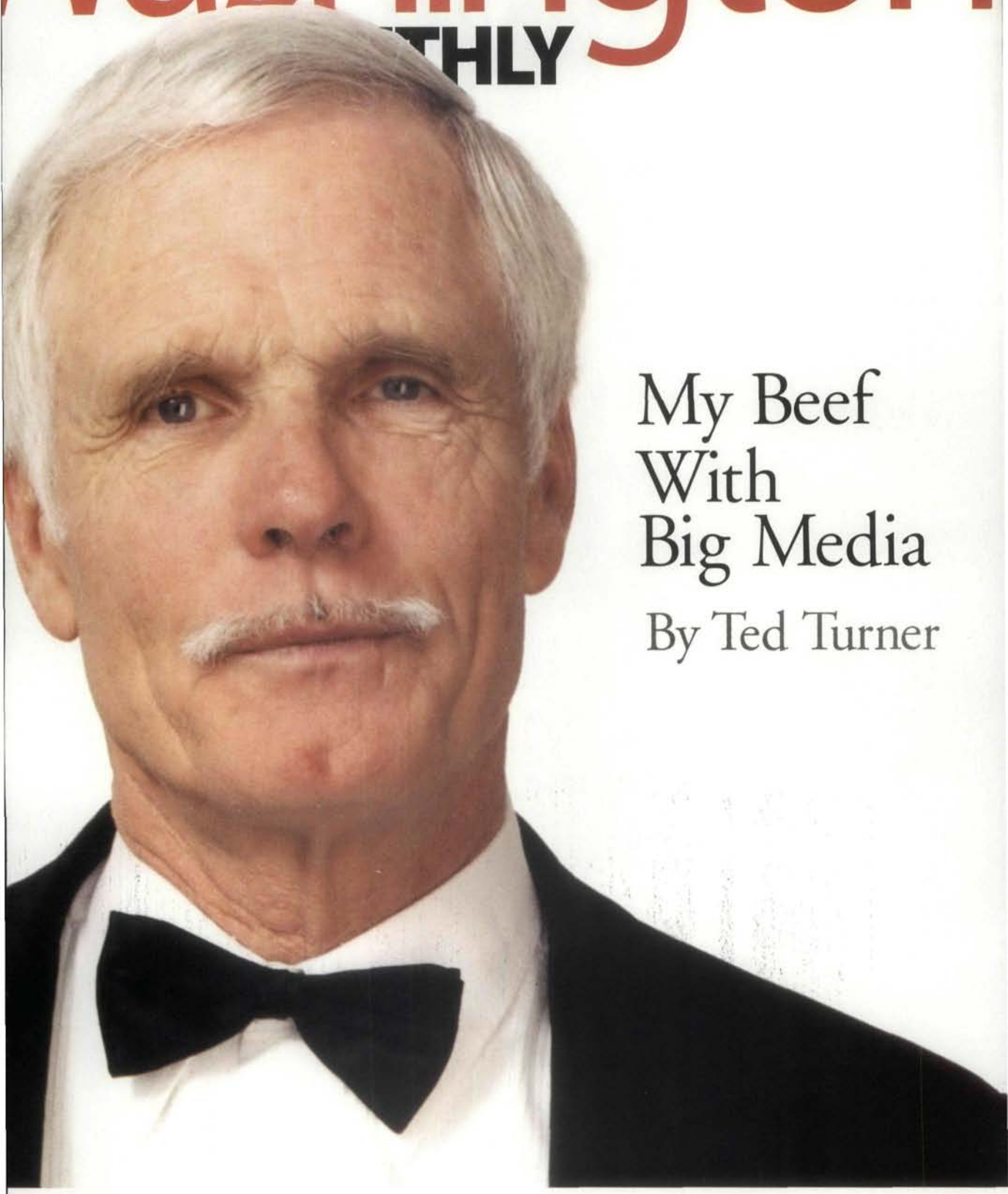
Our Democratic Convention party guide

Washington MONTHLY



My Beef With Big Media

By Ted Turner

y/August 2004 $4.50

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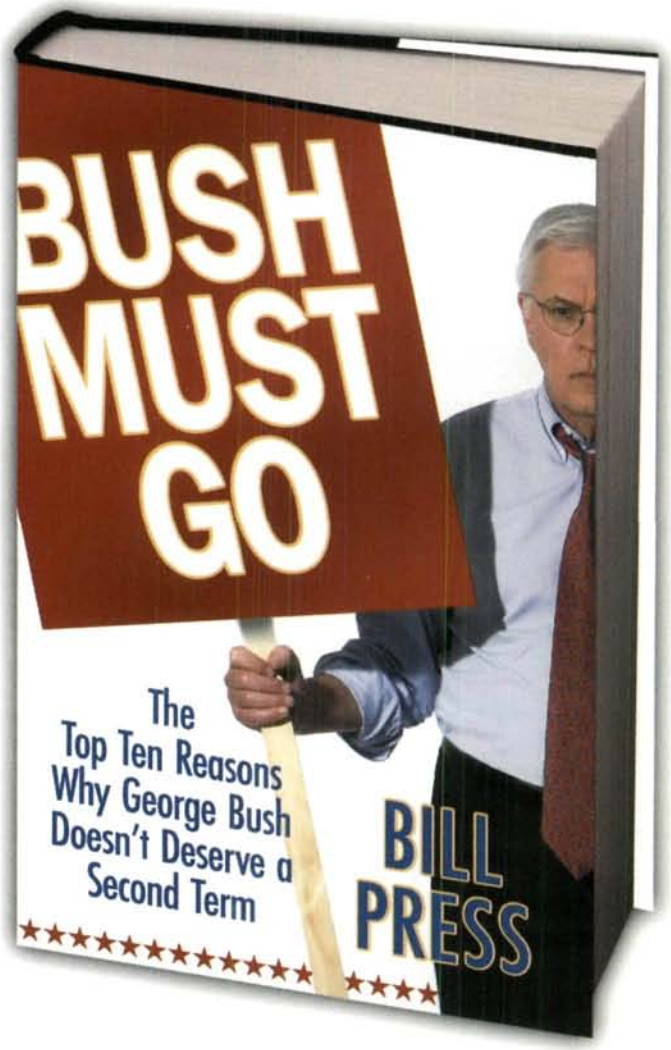
BUSH MUST GO



"There are a million reasons to get rid of George Bush.
But Bill Press hits the most important ones."
—JAMES CARVILLE, author of *Had Enough?*

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Washington MONTHLY

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July/August 2004

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Letters

General agreement

Gen. Clark's assessment of the Middle East situation is well on point ("Broken Engagement," May). We should all be reminded that every struggle should be to win the minds of the opposing forces. The art of persuasion is still the best weapon to eradicate tyranny.

My old law partner often said, "The American people have got just about what they want, and when they don't like what they have, they will change it."

The same applies to Muslims in the Near East. When they don't like what they have or the situation in which they find themselves, they will change it. We can only assist; we can't change it for them with guns and soldiers. They must have the desire and will to make the changes for themselves.

C. L. Ray
Lt. Col.(Retired), USAF
via email

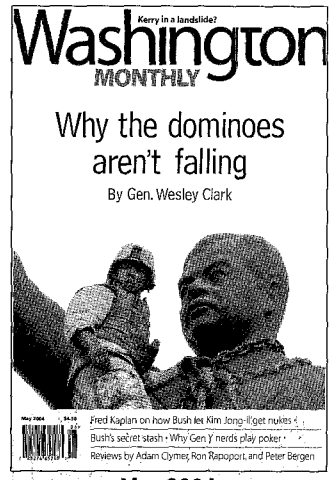
Clark has distilled our current situation into an articulate and compelling discussion without resorting to over-simplification, sound bites, and character assassination. There's a plan here, and anyone who fails to see it just isn't interested in solving our problem with the Arab world.

As for the Republicans, heed Clark's words and consider taking your chances on new leadership in November. Otherwise, we'll all find out to our dismay just how much worse it can get!

Martha Baumgarten
via email

Although I am no Middle East expert, I do have two years of experience with the U.S.-U.S.S.R. exchange program and can heartily endorse what Gen. Clark says. We can never succeed in the Middle East unless we are willing to be patient and to acknowledge that it will take years or decades for that success to come.

Nancy Hurley
via email



May 2004

Make our day

I assure you that your publication is not only widely read but also read by a very influential group. Our center has been deluged with inquiries about the article ("Paralysis by Analysis" by Chris Mooney, May), particularly from government officials.

Your publication is influential, opinionated, and can either make or ruin anyone's day.

Jim Tozzi
President, Center for Regulatory Effectiveness
Washington, D.C.

Flag polls

Chuck Todd's comparison ("A Kerry Landslide?" May) of the 2004 election to the election of 1980 is flawed. Does Todd remember the economic conditions in 1980? The United States was suffering from double-digit inflation, high unemployment, and a 15.5 percent prime interest rate. In response, President Carter went on national TV to blame the citizenry for being in a malaise. We had a weak president who had accomplished almost nothing despite a Congress controlled by huge majorities of his own party and who had allowed Americans to be held hostage in Iran for more than a year.

Compare the above to the current conditions. The United States has enjoyed the highest GDP growth over the last three quarters than any period since 1984. Today's unemployment rate of 5.7 percent is low by any historical standard, and the outlook looks good for more job creation throughout the rest of the year. There have already been 500,000 jobs created in the first quarter. Interest rates are at a 50-year low, which has allowed tens of millions of Americans to refinance their home loans and save billions of dollars in interest. Inflation is nil, which has served to increase the purchasing power of Americans. Last, we have a strong chief executive who, after 9/11, is taking the war to America's enemies.

If there is any landslide this November, it will be a massive victory for President Bush.

Garrett Mahoney
Oakland, Calif.

Todd's article is running on two flawed assumptions: 1) that this election will follow the pattern of past elections, and 2) that John Kerry is comparable to Reagan while Bush is to Carter. This misguided theory is actually reversed. Kerry is tied right now because he is Carter, and Bush is holding his own right now amid more violence because he has the resolve of Reagan.

The problem is that the story ignores other important facts about modern presidential electoral history. The author's examples of the five defeated incumbent presidents fails to note the special circumstances in the four Republican losses that do not apply in the case of George W. Bush.

"We should all be reminded that every struggle should be to win the minds of the opposing forces."
—C. L. Ray
Lt. Col.(Retired), USAF

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In the case of Taft and George H.W. Bush, the election was decided by powerful third party candidates (Teddy Roosevelt and Ross Perot) who unquestionably split the GOP vote and elected the Democrat. Ford was weakened by being the only president in U.S. history who had never run on a national ticket and who had lost popularity when he pardoned his predecessor who had resigned in disgrace. As for Hoover, well, there was the Great Depression.

The key historical point is that Democrats almost never get even 50 percent of the national vote whereas Republican candidates have done so often. Among Democrats, only FDR, LBJ, and Carter (barely) have received over 50 percent of the popular vote since 1900. In fact, it has reached the point where Democrats are only elected president if there is a third party splitting the GOP vote or if there is national drama or catastrophe like Watergate or the Great Depression. This year it seems plausible that the third party candidate will hurt Democrats, to the extent he has any impact at all.

Stephen Sulecki
via email

Chuck Todd replies: I believe that there are more signs pointing to a Kerry landslide than a Bush landslide. But as I argued at the end of the piece, the second most likely result is a Bush landslide. It appears we all do agree that the least likely result for this election is a repeat of 2000.

As for the point that today's economy is not really that bad, remember that perceptions trump statistics in elections, and there's no denying the fact that the public's perception of the economy (whether a media creation or not) is that it's struggling. At present, people believe that the new jobs aren't good jobs, and that the cost of living is up.

Brass Knuckles

Robert Schlesinger ("Spars and Stripes," May) frets that *Stars & Stripes* readers may not get "unvarnished" news. Regular reading of the newspaper would take away that fear. It is published without censorship or influence—and with an effort at balance throughout, something missing in Schlesinger's article. He quotes none of the several editors who did not believe the series "Ground Truth" was "watered down," and only in passing states that the independent ombudsman's review had strong praise for the work. In quoting from an internal memo of mine aligning balance in reporting with continued independence, he neglects to tell readers that the idea is not mine, or the Department of Defense's, but that of the U.S. Congress when, in 1991, it affirmed First Amendment protections for *Stars & Stripes*.

Nor does the author tell readers that "Ground Truth" was recently cited in the Scripps Howard annual journalism competition for "Service to the First Amendment." And he makes no mention of the American Legion's annual competition, open to all media, large and small, which awarded "Ground Truth" a citation for "Excellence in Journalism." The judges of these prestigious competitions evidently saw the series as a courageous project, and not one that had been "watered down."

David Mazzarella
Editorial Director, *Stars & Stripes*
Washington, D.C.

Schlesinger responds: Congratulations to Stars & Stripes *for winning awards for the Ground Truth series. One wonders how much more notice it would have accrued if it had run unvarnished. While reporters routinely bridle under editorial control and grouse about cuts and changes, when a reporting team cries foul with such unanimity it is indicative of more than routine interference and something beyond an effort to be fair and balanced.*

Washington MONTHLY

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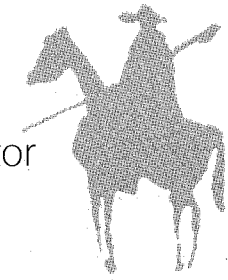
Tilting at **Windmills**

by **Charles Peters**, founding editor



The cheating gene

It may be that the explanation for Bill Clinton's sexual naughtiness does not lie in the psychological traumas of his childhood identified in his memoir. Instead, recent research by scientists at Emory University, reported by David Wahlberg of the *Atlanta Journal-Constitution*, suggests that his genes may have been the guilty party. The research found that the meadow vole, an animal previously notorious for its Clintonian tendencies, suddenly became passionately monogamous when its brain's reward center was injected with something called a "suppression gene receptor." There is evidence that Clinton's enthusiasm for a variety of sexual experience was shared by his biological father—William Blythe—and certainly genes would explain the conduct of John Kennedy, a meadow vole if there ever was one. His father, Joseph Kennedy, was one of the great womanizers of the modern era.

A third Ferrari, Muffy?

The Bush tax cuts may have starved important domestic social programs and done little to produce good jobs for the poor and the middle class, but they certainly have taken care of one group. "The number of 'high-net-worth individuals' in the U.S., or those with at least $1 million in financial or liquid assets, jumped to 2.27 million last year, up from 2 million in 2002," reports *The Wall Street Journal*'s Robert Frank.

Hoover backs Dewey!

The Democrats could lose West Virginia again, argues *Slate*'s William Saletan. "West Virginians respect authority. . . .Democrats stick with the party of their fathers unless the GOP nominates an incumbent President." Saletan acknowledges one exception to this role in explaining George W. Bush's victory over Al Gore—"they trusted the King's son." However, he fails to mention another, Herbert Hoover. That Republican incumbent lost West Virginia to FDR in 1932.

What possible relevance does that have today, you ask? Hoover was so heartily disliked by West Virginians that for the next couple of decades, the Democratic *Charleston Gazette* would dispose of the current Republican presidential nominee by seizing on the occasion of an obscure Hoover speech in Dubuque and run a banner headline: "Hoover Backs Dewey!" accompanied by a picture of Hoover looking his smuggest that the paper kept carefully preserved in its files for just such occasions. The point of the picture was to depict the GOP as the party of the rich, whose indifference to the common man was only exceeded by their satisfaction with themselves. Herbert Hoover may be long gone, but West Virginians are still the same people. And that is why Bush's indifference to their needs should be emphasized by his opponent's campaign. Fortunately for John Kerry's people, finding a photograph of Bush looking smug is a blessedly undaunting challenge.

The scratch and the star

Saletan correctly emphasizes the importance of patriotism to West Virginians. That is why it's essential for the Democrats to make clear that Kerry walked the walk not taken by George W. Bush nor any of the top figures in his administration. Kerry got shot at in Vietnam. He displayed bravery in combat. He was brave again to oppose the war when he came back. What difference does it make what he did with his medals? He earned them. He had a right to do what he wanted with them. Bush didn't have the guts to fight in the war or against it.

Finally, West Virginians are fair minded. Show them how the Republicans have tried to denigrate Kerry's heroism. What if he did get a Purple Heart for a scratch? There are enough veterans in West Virginia who know that a lot of Purple Hearts were for minor wounds awarded. But they also know that you don't get a Bronze Star, let alone a Silver Star, for just a scratch. And when you've gone back in under fire to rescue a comrade, you have passed their highest test.

Halliburton's dirty laundry

There is new evidence that Halliburton is taking U.S. taxpayers to the cleaners in Iraq. And I mean literally. Halliburton has been caught charging $100 for each 15 pound bag of laundry their workers put in their washing machines, according to NBC's Lisa Myers, who adds that the company has also been charging $45 a case for soda.

Auditors report that Halliburton employees live in five-star hotels and buy "high-end SUVs" loaded with unnecessary options. When a Halliburton employee complained to her supervisor about the extravagance, she was told, "We can be as dumb and stupid as we want in the first year of war, nobody's going to complain." Another Halliburton worker who was disturbed at not having enough to do to justify his $82,000 salary was told, "Just log in twelve hours a day and walk around and look busy."

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Five minutes too many

You have probably read about how the 9/11 Commission was a bit disturbed by the confusion caused by the plane headed toward the Capitol building just before the Reagan service. An even more disturbing indication that we have not learned enough from 9/11 also occurred in early June, but was less widely reported. According to the testimony of the Federal Aviation Administration's New York operations manager, Benedict Sliney, as an unidentified aircraft was nearing New York, controllers reported the hazard to the North American Aerospace Defense Command. But, according to *UPI*'s Shaun Waterman, "Sliney and his NORAD counterpart were unsure who had the power to order a military intervention. It took Sliney more than five minutes to ascertain where the authority lay." In five minutes, a jet under full throttle can cover 50 miles.

Another lesson not learned

Speaking of failures to learn the lessons of 9/11, flight attendants are still being taught to cooperate with hijackers, according to Patricia Friend, president of the United Association of Flight Attendants. She wants attendants trained to help resist the terrorists. Her argument, which seems compelling to me, is based on what happened to the 25 attendants who cooperated with the 9/11 hijackers: "Their wrists were bound, their throats slashed."

The sex-crazed press

I was shocked by what *The Chicago Tribune* did to Jack Ryan. The Republican candidate to be United States senator from Illinois was forced to withdraw when *Tribune* reporters persuaded a judge to unseal records of a child custody proceeding which showed that his wife had accused him of taking her to sex clubs and trying to persuade her to engage in sexual activities with other patrons watching. People make all sorts of accusations in custody and divorce proceedings—often goaded by Iago-like lawyers who whisper in their ear "you've got to say something"—that they later regret as untrue, exaggerated or not nearly as outrageous as had been presented to the court. Indeed, the former Mrs. Ryan herself wanted the records kept sealed. Then what right did the judge have to release them? After all, this wasn't the kind of sealed record that protects corporations that are hiding injuries or deaths caused by unsafe practices. It was a private matter. And what business did the *Tribune* have prying into a private matter?

Finding a photograph of Bush looking smug is a blessedly undaunting challenge.

Articles of Feith

If you have thought the Pentagon's failure to plan for post-war Iraq was inexcusable, you should know that Douglas Feith, the undersecretary of defense for policy, offers himself and his Pentagon colleagues full absolution. He told Bill Gertz and Rowan Scarborough of *The Washington Times* that the Office of Reconstruction and Humanitarian Assistance could not do anything until "Saddam made it clear he wasn't cooperating with the inspection regime." This has to be not only the weakest excuse in recent memory but also the very first indication that anyone in the Bush administration ever took the inspectors seriously.

Feith's self-forgiveness has to ignore all the planning, reported by James Fallows in the January/February *Atlantic Monthly*, that had been done by upper mid-level government officials and outside experts at the Army War College, the CIA, and the State Department, warning of all the hazards the war hawks failed to anticipate. Perhaps we should all pitch in for a gift subscription to the *Atlantic* for Feith and for Gertz and Scarborough.

Roosevelt's girlfriends

Back to the relationship of a politician's sex life to his public role. I remember being on NBC's "Meet the Press" one Sunday in December 1998 with William Safire, Sally Quinn, and Tim Russert. My fellow panelists took a stern view of President Clinton's relationship with Monica Lewinsky and his lies about it. I said that unfortunately lots of otherwise good people committed adultery and lied about it to protect their wives, children, and themselves. As I looked around the table, it occurred to me that Safire, before becoming a columnist, had worked for years in public relations in New York, a world that did not abound in innocence. Quinn's friends, I knew, were drawn from the world of fast-track journalism in Washington and New York.

During my own college and post-graduate years, my friends in New York were mostly in the fields of the arts and entertainment, neither of which is noted for putting a high value on sexual morality. Russert may have grown up an altar boy in Buffalo, but he later had high-level political jobs in Washington and New York before joining Sally Quinn in big-time journalism.

In these worlds, each of us knew people who committed adultery and lied about it but continued to enjoy our professional respect. I still can't understand why my fellow panelists refused to see Clinton in this light. I wish I had thought to cite the case of Franklin Roosevelt. The greatest president of the past century may have had sexual rela-

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tions of one kind or another not only with Lucy Mercer Rutherford, but also with his secretary Marguerite Lehand, Princess Martha of Norway, his distant cousin Daisy Suckley, and Dorothy Schiff, then publisher of *The New York Post*. Suppose that during the darkest days of the depression or World War II, a reporter revealed one of those relationships, and Roosevelt lied about it for the same reasons that Clinton did. Can anyone imagine that the resulting damage to his authority would have been good for the country?

The new Stassen

The latest Florida poll shows Kerry beating Bush 46 percent-44 percent—without Ralph Nader. With Nader included, and garnering 5 percent of the vote, Bush and Kerry are in a dead heat. And we all know what that means: Considering that the Florida governor's office and the U.S. Supreme Court are still in the same hands, the importance of getting Nader out of the race becomes more urgent every day.

If he wasn't embarrassed by the news we recently reported that Republicans were contributing to his campaign, he is not likely to be bothered by the recent revelation that they are working to have his name placed on state ballots. But I can still take one last shot at convincing Nader to get out, thanks to a reader who notes that the consumer advocate is in danger of being ranked by history as another Harold Stassen. Nader is old enough to remember how Stassen, like him, enjoyed wide respect during his early years. As the youthful governor of Minnesota, he was selected to give the keynote speech at the Republican national convention in 1940. And when he ran for president in 1948, his candidacy was taken seriously. But when he ran again and again, without a realistic hope of winning, he became a laughingstock.

Arriving at an al Qaeda camp at the wheel of a Jaguar seems unlikely to be an effective technique for clandestine penetration.

Rolled call

Senate Republicans have discovered a new way to torment John Kerry: Schedule a vote on an important issue that coincides with a Kerry campaign event, and confront the Democratic candidate with the choice of missing one or the other. On June 23, an amendment guaranteeing federal funding for veterans' health care was due to come to the Senate floor for a vote. Kerry flew back to Washington, disappointing New Mexico voters who were waiting to see him, but ready to vote. Majority leader Bill Frist, however, then refused to allow the amendment to come to the floor. Can't you see the smile on Karl Rove's face?

NOC out

I have often complained about how few real spies the CIA has. Called NOCs for "non-official cover," the real spies operate outside the comfort and protection of U.S. embassies enjoyed by case officers. James Bamford, whose recent book, *A Pretext for War*, reveals that the CIA failed "to recruit a single source within bin Laden's growing Afghanistan operation," supplies a more precise definition of what I meant by the word "few." At their highest point during the 1990s, according to Bamford, there were only about 150 NOCs compared to about 2,500 case officers.

Why were there so few? The CIA's excuse is that NOCs cost too much and are too likely to be caught, with the danger of an embarrassing diplomatic dust-up for the government and of death for the agent. I suspect that an understandable fear of being caught and shot was the main reason, followed closely by a preference among agents for the comforts and perks of embassy life. Even many of the real NOCs—Bamford says most—use a business cover which permits them to live well. Living well is no sin, and one can understand how sometimes doing so would not be inconsistent with spying. Arriving at an al Qaeda camp at the wheel of a Jaguar, however, seems unlikely to be an effective technique for clandestine penetration.

Unscreened

Another gap in aviation security involves the people who work in airports. Although the Transportation Security Administration screens passengers and luggage, it does not require, reports the *AP*, "airport employees to be screened before entering secure areas."

Funny money

Riggs Bank, a Washington institution for ages—its flagship branch is actually depicted on the $10 bill—was recently fined $25 million for failing to report suspicious transactions in the accounts of the embassies of Saudi Arabia and Equatorial Guinea. It seems that possible violations of rules against money laundering by Riggs had been discovered as early as 1997. Why then did the government take seven years to act? Your guess is as good as mine, but you may be interested to know that the comptroller of the currency's examiner-in-charge from 1998-2002 became a vice president of Riggs when he left the government.

Doesn't this remind you of the

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woman who became a Boeing executive after leaving her job at the Air Force, where she had awarded Boeing an unusually lucrative contract?

Religious left

Our campaign to take religion back from the right recently became less lonely. "More than 350 political liberals of many faiths gathered in Washington," reports *The Washington Post*, "to begin what some pollsters say is a quixotic task: restoring the voice of the religious left in the nation's political debate." The gathering was brought together by John Podesta, Clinton's last chief of staff, who now heads the Center for American Progress.

One of the speakers was Taylor Branch, the author of *Parting the Waters* and one of the most distinguished of the *Monthly*'s alumni. Branch explained that the great surge of the Christian left that was a major factor in the civil rights revolution fell apart and lost its steam over the issue of abortion, with most liberals becoming rabidly pro-choice. To reach out to moderate Christians, Branch argues, the left must move beyond polemics:

"Not many people who call themselves pro-choice actually want to celebrate abortion, and not many of those who call themselves pro-life want to put women in jail for having abortions. It's more of a show than a debate with polarizing options that aren't real. Both sides profess that they love children, but you really don't have the two sides doing very much to cooperate to reduce the number of neglected and unwanted and abandoned children, or to care for them."

Branch's speech reminded me of a 1972 article by Suzannah Lessard we published while he was here entitled "A Legal Right, A Moral Choice." Its point was that liberals were justified in insisting that abortion was a legal right, but that all too often they were wrong in not acknowledging the gravity of the moral decision involved.

A similar absolutism keeps many liberals from acknowledging that abortion may cause pain to the fetus. As Steve Chapman recently pointed out in *The Chicago Tribune*, surgeons seeking to correct birth defects now operate on fetuses, and when they do they use anesthesia, not just for the mother but for the fetus as well. Chapman goes on to quote pediatricians who say fetuses can feel pain. Maybe they're wrong, he concedes. But why not err on the side of caution and seek to find ways to terminate pregnancies in the most humane ways possible for both the woman and the fetus?

Smoke signals

"Tobacco Makers Want Cigarettes Cut from Films." I couldn't believe this headline in *The Wall Street Journal*. The article reported that, "because state authorities in California have begun to inform tobacco companies that they are obliged to police the use of their brands in films," cigarette makers are now writing to movie studios asking that their products not appear on screen.

The trouble with the story is that the *Journal* reports it without its tongue planted firmly in its cheek. For years, the tobacco companies have plotted and conspired to get their cigarettes smoked by the stars, with the brand identified on screen if at all possible. A "product placement" industry grew up in Hollywood to cater to this need. Fees were paid that might strike the average person as bribes—all for the purpose of exploiting the example of glamorous movie stars to lure the impressionable into smoking and into using a specific brand. It defies belief that the tobacco industry could now fight to undo something it has fought so long for. I would bet my last dollar that these letters are pro forma and nothing more.

Playing monopoly

In 1997, Congress passed a law designed to prevent concentration of the control of oil and gas leases on federal land. Nevertheless, according to David Pace of the *AP*, "a single New Mexico family and a dozen big oil companies, including one headed by Commerce Secretary Donald Evans, now control one-quarter of all federal lands leased for oil and gas development in the United States."

How could this be? It seems that the Bureau of Land Management keeps extending the deadline for putting the law into effect. It also fails to exercise its power to cancel leases that exceed the cap. Why are BLM officials such reluctant warriors? For one, they "rely on the companies to provide accurate records of their holdings." For another, and I somehow doubt that this will surprise you, "Companies and people who dominate federal oil and gas leasing have been major financial supporters of the Republican party and President Bush."

Verbal methadone

"Nuance" is a word that crept into vogue about a decade ago. Since then it has flourished, like "ambiguity" and "dichotomy" during my college years, as a sign of the writer's intelligence. Too often it is used to suggest that there is something understood by the author but too complex for you to understand or him to explain in the limited space available. At the *Monthly*, we used to have a list of similar faddish words posted on the wall under the heading "VERBOTEN." I recommend a similar fate for "nuance." Writers in need of a verbal methadone to help break the habit might give "subtlety" a try.

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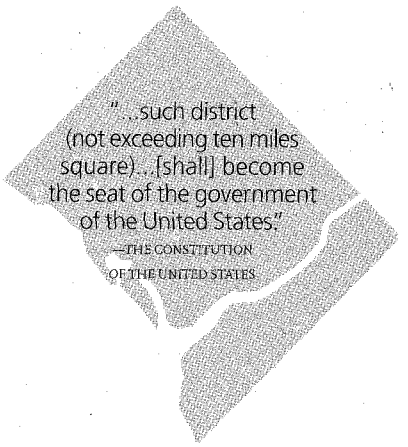
10 MILES SQUARE



Paper Chaser

How a young, self-employed lawyer became the best Supreme Court litigator in Washington.

By Tony Mauro

If you happened to drop by the Supreme Court session on April 26, during which the justices were hearing a rather dry case involving antitrust violations, you would have glimpsed a baby-faced young attorney with a slight build and an infectious grin step up to the lectern and begin cranking a handle on the side to raise it to the proper height. A newcomer to the court might have assumed this fellow was a clerk, or perhaps someone's intern. But the insiders knew him well: This was Tommy Goldstein, a smart, scrappy young lawyer who started arguing cases here four years ago at 29, and who in his persistent appearances since has begun to change how litigation is done at its highest level.

Lawyers who argue before the Supreme Court often describe it as the pinnacle of their careers, at once exhilarating and terrifying. (In 1935, Stanley Reed, then representing the government as solicitor general, fainted under a hail of questions from justices hostile to the New Deal. A few years later, Reed eased into a less stressful job; he became a justice himself.) But if Supreme Court advocacy has always been the Matterhorn of the American legal profession, in recent years it has become the litigator's Mt. Everest, a challenge requiring the best sherpas money can buy. In part because more law firms want the prestige that comes with a Supreme Court practice, and in part because the shrinking of the court's docket—the justices hear half as many cases today as two decades ago—*has* spurred competition for the business that remains, Supreme Court litigation has become a highly specialized trade. Lawyers who want to go before the court must know everything from how to handle the lectern to what color the cover of their legal briefs must be.

Most importantly, Supreme Court specialists must know how to handle a bench that questions far more aggressively than in Stanley Reed's day. Good Supreme Court advocates know to leave their soaring rhetoric at home; they almost never get to deliver it since the barrage of questioning begins almost immediately after they begin their half-hour of argument. Those who reach this lawyerly apex are, almost to a man—and they are nearly all (white) men—those whose resume includes either a top-tier law school, work experience in the solicitor general's office, or a stint as a Supreme Court clerk. Law firms recently began dangling $150,000 hiring bonuses before the latter candidates, in the sure knowledge that they will earn their keep quickly. Former solicitors general Seth Waxman and Walter Dellinger III have walked into million-dollar Supreme Court practices soon after leaving government service, and Theodore Olson, who left the position July 9, is following in their footsteps.

Into this exclusive club walked Tommy Goldstein. He had never clerked for a justice or worked in the SG's office. He earned his law degree at plebian American University, not Harvard or Yale. Yet Goldstein is already renowned among his peers and has begun to make a lot of money, too. This year, his firm, Goldstein & Howe—Howe is his wife and partner, Amy—will bill close to $1.5 million

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in fees. "His knowledge of the court is breathtaking," says Ronald Collins, a First Amendment scholar at the Freedom Forum and former court clerk. "One cannot speak about Supreme Court litigation without breathing Tom's name. And he has only just begun."

A debater in high school and college, Goldstein always thought he'd be a trial lawyer. But while in law school during the 1990s, he caught the Supreme Court bug as an intern for National Public Radio's court correspondent, Nina Totenberg. (Goldstein and his wife named their baby Nina after her). Totenberg helped him get a clerkship with D.C. Circuit Appeals Court judge Patricia Wald, and that led to a job with Jones Day, a top appellate firm in Washington. Some attorneys at the firm had earlier begun a project to document "circuit splits" from around the country, issues on which different courts of appeal had disagreed. A lawyer who litigates such splits has a better chance of getting on to the Supreme Court docket, since most of the nine justices think the court's primary role ought to be to resolve these disputes and unify the law of the land. Those who had begun the project had only half-heartedly kept it up, but Goldstein leapt at the opportunity, rigorously cataloguing potential splits and building a growing reputation as a Supreme Court junkie. But for Goldstein the pace at Jones Day was too slow, and the prospect of arguing cases before the court years away. "If I was still there, I probably wouldn't even be up for partner yet," Goldstein says.

So the young attorney moved on to Boies & Schiller, a hipper firm led by New York superstar David Boies, with a reputation for being more open to hot young talents. In 1999, Goldstein made his first Supreme Court argument and then decided to go solo. He left the Boies firm, but before he knew it, he was working with Boies again—in the once-in-a-lifetime case *Bush v. Gore*. Boies argued on behalf of Al Gore in one of the two cases that decided the 2000 election; Harvard Law School professor Laurence Tribe, who became another Goldstein fan, argued the other. Goldstein was at their side throughout. Tribe and Boies were the "brilliant lawyers and deep thinkers," he recalls. "The niche I had was managing the paper. Somebody had to get the brief done and out the door." The court requires litigants to submit 40 copies of all briefs filed, and all other parties must be served copies as well. Goldstein, already familiar to (and with) the Supreme Court press corps, also made sure reporters were kept informed.

When the dust settled, Goldstein resumed revolutionizing his business, building a solo Supreme Court-focused practice in split litigations. The conventional wisdom at the time was that no one could make a living solely on Supreme Court cases, which traditionally had to come up through a big firm and through the lower courts. The titans of the Supreme Court bar tended to wait for the phone to ring. "The world was very different then," says Goldstein.

But he could not wait for the cases to come to him. Using his knack for spotting circuit splits on the horizon, Goldstein trolled for clients, often cold-calling small-town lawyers as soon as he read the appeals court rulings that had handed them defeats. Some, for financial reasons, had given up any thought of appealing to the Supreme Court; others knew no lawyers with sufficient expertise. But Goldstein made his offer hard to refuse: He would file their appeals at no cost. "You have to be willing to do things for free" to build a business, he says.

The graybeards of Supreme Court practice frowned at first and muttered about the upstart's lack of etiquette that bordered on barratry—the lawyers' crime of stirring up disputes. No one is muttering now. Supreme Court veterans speak admiringly of Goldstein, and they imitate his tactics. Today, lawyers who lose at the appeals court report they often get multiple offers of help to petition the Supreme Court.

The cases Goldstein took up at first were often deadly dull, illuminating disputes over laws no one had heard of. However, once Goldstein was in, he was part of the club, and the better cases—and the paying cases—started to come his way. His team includes as many as six lawyers as well as an array of associates and interns. So far, he has notched 11 Supreme Court appearances, including three last term.

The early cases also helped Goldstein improve his argument skills. At first, he came on too strongly, at one point outright telling a justice "You're wrong" about a matter of law. Justices like direct, quick answers, but maybe not quite that pointed. Outside the court, Goldstein keeps his multi-tasking intensity in check with an easy smile and casual tone.

Goldstein, like his mentor Tribe, can also be too nimble on his feet for his own good. In many of his arguments, when a justice asks a question, Goldstein relates it back to another justice's comment, mentioning the other justice by name—an impressive demonstration that he is able to listen, remember and catalog justices' comments even while trying to race through his half hour of argument.

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The sleight of hand was on display April 26 when Goldstein argued a complex international antitrust case on behalf of Empagran, an Ecuadoran vitamin company seeking damages in U.S. courts from an international vitamin "cartel" for price-fixing violations. Hit by questions from all sides, Goldstein regrouped and said he would explain the three parts of a test to determine if U.S. antitrust laws applied—and he framed his explanation as an answer to three separate justices. As often happens, another justice interrupted with another question and after answering him, Goldstein resumed. "I was answering, Justice Scalia, on the first. Justice Breyer, you have taken me to the second." Then Chief Justice William Rehnquist interrupted with yet another question about the lower court ruling at issue, and Goldstein shifted gears again, politely disagreeing with Rehnquist's interpretation. "I'm not trying to quibble," Goldstein said. "Good to know," Rehnquist replied good-naturedly, breaking the tension. Goldstein lost the case unanimously. "I've decided to notch that back," Goldstein told me. "It shouldn't seem like a parlor trick."

Even after 11 arguments, Goldstein thinks he still has some distance to go before he truly establishes his bonafides with the court. "The most respected lawyers there have taken years to build up their credibility to the point where when they talk, the justices believe what they are saying."

A few more years of seasoning will also help cure another obstacle he faces: his youth, compared to most Supreme Court veterans. "It's the only thing that makes me happy that I am getting older," he says with a grin. "It gives me some measure of gravitas."

Tony Mauro is the Supreme Court correspondent for *Legal Times* and American Lawyer Media. He has covered the court for 25 years.

Our Democratic Convention Party Guide

Because no one is going to Boston for the Party—they're going for the parties.

LEGEND

- Feigned enthusiasm for Kerry
- Possible Valerie Plame sighting
- Junior staffers gone wild
- Closet Republicans
- Chance Clinton shows > 50%
- Hollywood B-listers
- Chris Heinz groupies
- Aspiring cabinet members
- $ Cash bar only
- Fisticuffs over Iraq plank
- Furtive hanky-panky
- Proletarian food
- Armani-clad union presidents

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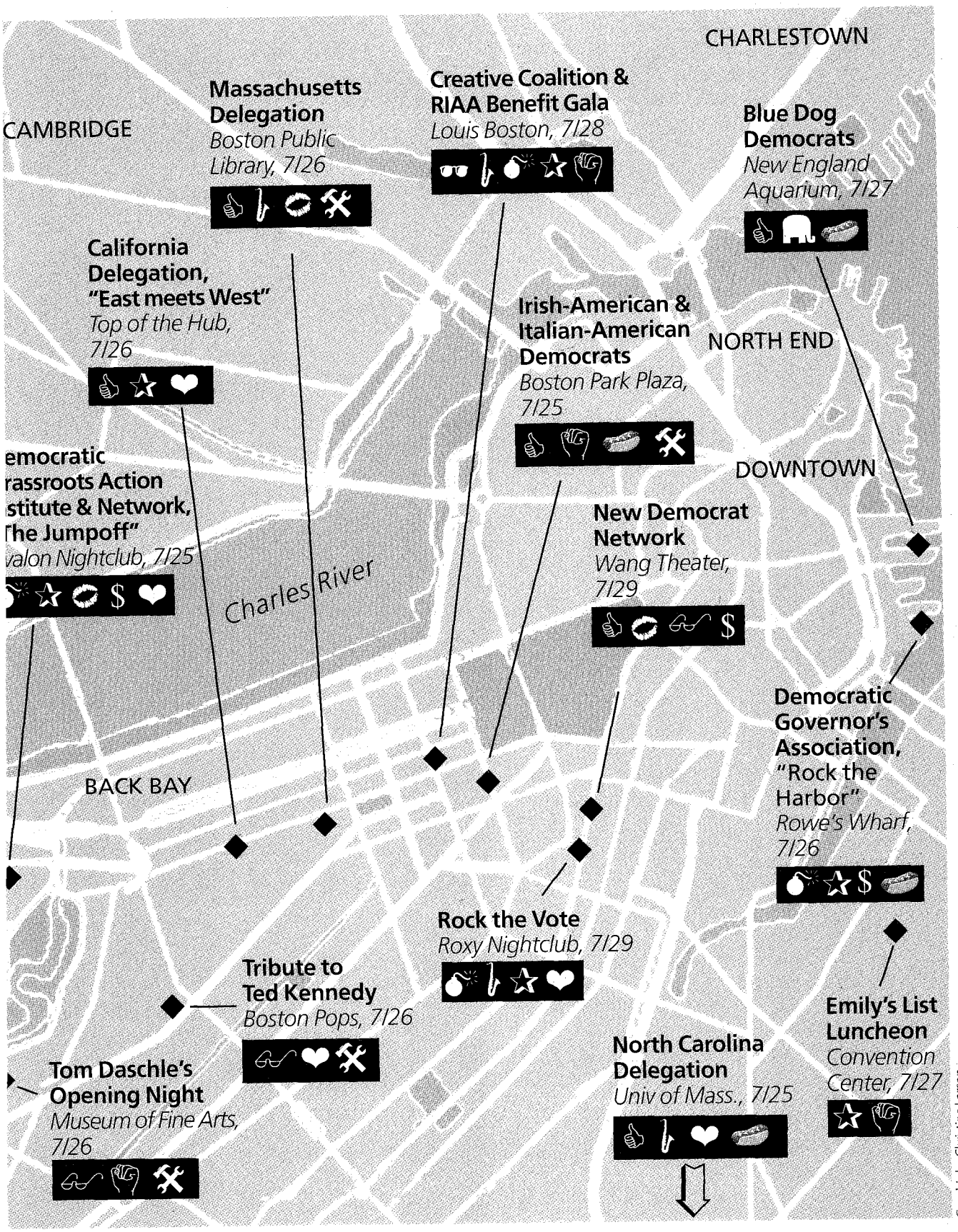

Graphic by Christina Larson

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WHO'S WHO

Kerry-Edwards campaign edition

By Amy Sullivan

If a presidential candidate's essential political self is reflected in the people he hires, **John Kerry** sure looks like an old-fashioned Massachusetts liberal. The state's senior senator, **Ted Kennedy**, exerts a strong gravitational pull: His former chief of staff, **Mary Beth Cahill**, is Kerry's campaign manager, while **Bob Shrum**, whose relationship with Kennedy dates back to the 1980 presidential race, orchestrates message and strategy with his partners **Tad Devine** and **Michael Donilon**. One of Kerry's closest advisors, his distant cousin and Senate chief of staff **David McKean**, has known the candidate since the two got their start in Boston politics 30 years ago. **David Wade**, Kerry's Senate communications director and now campaign spokesman, is at the candidate's side more than anyone. Political veteran **Michael Whouley**—described by one campaign insider as "**Joe Trippi** before Joe Trippi was cool"—heads a contingent of behind-the-scenes players from the Boston-based Dewey Square Group.

Kerry has also installed **John Sasso**, former campaign manager for **Michael Dukakis**'s 1988 bid at the Democratic National Committee as chairman **Terry McAuliffe**'s deputy and likely successor. Fellow Bostonian and Dukakis veteran **Jack Corrigan** is in charge of the upcoming Democratic National Convention. The candidate's brother, **Cam Kerry**, remains one of the senator's most trusted advisers.

The presence of so many Kennedy and Dukakis veterans atop the Kerry organization has made it easier for the GOP and some pundits to paint the candidate as a Massachusetts liberal. Yet careful observers have noticed that Kerry has in recent months adopted not just the rhetoric but also the policies of a **Clinton**-style New Democrat. There's a reason for this, beyond the natural inclination toward the center that emerges in almost any general election campaign, and it has to do with personnel. With the exception of the Shrumians, all the Boston types are involved in the operations side of the campaign, such as organizing the convention and running the field apparatus. Actual message and policy development is in the hands of a whole different group: ex-Clinton White House aides. The Bostonians run the trains, the Clintonites supply the brains.

The unofficial twin pillars of the policy shop are **Gene Sperling**, former head of the National Economic Council under Clinton, and **Bruce Reed**, who served Clinton as domestic policy advisor before heading over to the Democratic Leadership Council. Former Clinton Treasury Secretary **Robert Rubin** and former Deputy Secretary **Robert Altman** are also deeply involved in the crafting of Kerry's economic proposals. Former Clinton State Department spokesman **Jamie Rubin** plays a similar role in the campaign's foreign policy sphere, pulling together advice from an ad hoc advisory team that includes former National Security Advisor **Sandy Berger** and former United Nations Ambassador **Richard Holbrooke**.

Those are just a few of the outside advisers with Clinton administration ties. But inside, too, the Kerry campaign staff is beginning to look like a Clinton White House reunion. Clinton's former chief speechwriter, **Terry Edmonds**, is now Kerry's chief speechwriter. **Minyon Moore**, formerly Clinton's director of political affairs, is now helping to run Kerry's minority outreach program. Another group of senior Kerry staffers is comprised of people who were young and relatively junior White House aides in the final Clinton years. They include the campaign's influential communications director, **Stephanie Cutter**, policy director **Sarah Bianchi**, speechwriter **Josh Gottheimer**, and economic policy director **Jason Furman**—the latter two having joined the Kerry organization after stints on the presidential campaign of retired Army **Gen. Wesley Clark.**

The choice of Sen. **John Edwards** (D-N.C.) as running mate has only hastened Kerry's drift towards the center; as a candidate in the primaries, Edwards relied even more heavily than Kerry did on ex-Clintonites, and many of his top aides have now moved to the Kerry campaign. **Miles Lackey**, who served on Clinton's National Security Council before becoming Edwards's chief of staff in the Sen-

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ate and head of the North Carolinian's primary campaign, is now Kerry's deputy campaign manager for policy and speechwriting. **Robert Gordon**, a former Clinton hand on the National Economic Council and the Office of National Service, used to run the Edwards campaign's policy shop and is now working in Kerry's. Former Edwards spokeswoman **Jennifer Palmieri**, who cut her teeth as Clinton's deputy White House press secretary, now serves as Kerry's media director in the battleground state of Ohio.

Of course, in any campaign, real power comes to those with the most access to the candidate. In this sense, the Boston folks still hold sway, but even that's changing. Clintonites Cutter and Gottheimer spend more and more time on the road with Kerry, as do trip director **Setti Warren** and senior aide **David Morehouse**, both Clinton White House veterans.

So far, the Boston-Washington divide hasn't become a schism. Says one insider, "It's more a happy division of labor." That's reflected in the rhythms of the D.C. headquarters. Every week, there is a convention planning meeting, followed by a message and policy meeting. Cahill, Sasso, and Corrigan attend the first but tend to drift off when the second begins. (Shrum, tellingly, attends both.)

Other factions of the party are represented as well. **Richard Gephardt** placed two of his top campaign strategists in the Kerry campaign. His longtime aide and former presidential campaign manager **Steve Elmendorf** is now Kerry's field director, while his former deputy campaign manager **Karen Hancox**—yet another veteran of the Clinton White House—is the Kerry campaign's chief executive officer. For institutional knowledge stretching back to **Walter Mondale**'s campaign—and for counsel and discretion in the search for a vice-presidential candidate—Kerry turned to former Mondale campaign chairman **Jim Johnson**. Johnson and his wife, former Mondale press secretary and current Harvard University professor **Maxine Isaacs**, are close friends of John and **Teresa Kerry** and share neighboring vacation homes in Sun Valley, Idaho.

Even the upstart **Howard Dean** campaign contributed several new staffers to the Kerry operation. **Zach Exley**, the former MoveOn.org whiz who helped Dean revolutionize Internet campaigning, has a similar mandate in the Kerry campaign, and is getting similar results: As of the end of June, Internet donations have led all other forms of fundraising for the campaign, breaking even Dean campaign records and contributing to Kerry's recent two-to-one fundraising edge over Bush.

Part of what keeps all these factions from openly bickering or bucking the campaign's increasingly centrist drift is a widely shared determination to beat President Bush in November. But there's another factor that's hard to exaggerate: Because he held the White House for eight years, Clinton was able to hire, and influence ideologically, virtually an entire generation of Democratic operatives. Kerry campaign manager Mary Beth Cahill may be a tough Bostonian and Kennedy loyalist. But she was also the White House director of the office of public liaison—for Bill Clinton.

The Washington Monthly's

Monthly Journalism Award

Anne C. Mulkern

"Watchdogs or lap dogs?"

The Denver Post

May 23, 2004

This report, unhappily, is more disturbing than it is surprising. Mulkern sloughs her way through what must have been thousands of pages of government documents and concludes that, in his three-and-a-half years as President, George W. Bush has appointed more than 100 people to regulate industries for which they had formerly worked, as lobbyists, attorneys, or spokespeople.

"In at least 20 cases" involving drug laws, Mulkern found food policy, land use, clean air regulation and other important issues, "those former industry advocates have helped their agencies write, shape or push for policy shifts that benefit their former industries. They knew which changes to make because they had pushed for them as industry advocates."

As an enabling factor, Mulkern pinpoints often "byzantine" conflict-of-interest rules that make it exceedingly difficult for ethics complaints to result in the removal of a compromised official.

The Monthly Journalism Award is presented each month to one or more newspaper, magazine, radio, or television stories (or series of stories) that demonstrate a commitment to the public interest. We are particularly interested in reporting that explains the successes and failures of government agencies at all levels and of other institutions such as the media, corporations, unions, and foundations that contribute to the existence or solution of public problems. Please send nominations (including a copy of the article or broadcast text) to The Washington Monthly Journalism Award, 733 15th Street, NW, Suite 520, Washington, DC 20005. Or email us at editors@washingtonmonthly.com.

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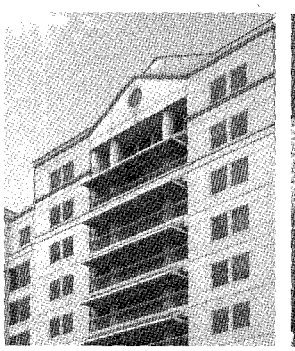
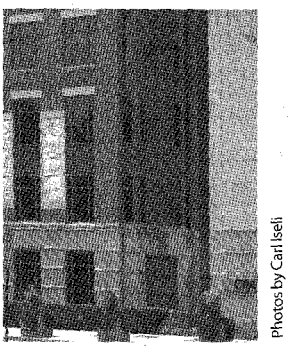
Campaign '04 Confidential

This year, the presidential campaigns are all headquartered within the Beltway. We take you inside. **By Matthew Quirk**





Photos by Carl Iseli

	BUSH	KERRY	NADER
LOCATION	Arlington, Va.	McPherson Square	Dupont Circle
AMBIANCE	Insurance company	Law firm	"Taxi"
MANAGEMENT STYLE	Top-down	"Survivor"	Chore wheel
TOUGHEST JOB	Domestic policy advisor	Advice wrangler	Signature forger
ALWAYS TALKING ABOUT	Clearing brush	Going to public school	Independent Republicans
CONNECTIONS	Uncle	Professor	Craigslist
TIP-TOEING AROUND	WMDs	Privilege	The facts
WHILE BOSS ISN'T AROUND	The New York Times	Drudge	Stock quotes
FIREABLE OFFENSE	Backsass	"Why the long face?"	Gendered language
BÊTE NOIRE	The Clintons	Chris Lehane	Presidential debates commission
OFF LIMITS	Barbara and Jenna	Jim Jordan	The 2000 election
FUTURE PLANS	Jeb '08	Clinton '08	Deprogramming
POWER STRUGGLES	Hughes-Rove	Boston-Washington	Over the stapler
BEDTIME READING	*A Charge to Keep*, by George W. Bush	*Why Courage Matters*, by John McCain	*Crashing the Party*, by Ralph Nader

Matthew Quirk is an editorial researcher at *The Atlantic Monthly*.

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The Greatest Convention

In 1940, the contest was never closer, the stakes never higher.

By Charles Peters

Political conventions have not always been so devoid of excitement that television networks cover them only grudgingly. Nominees have not always been determined months in advance of the proceedings whose original purpose was to choose them. But it has been a long time since. The last closely contested Republican convention was between Gerald Ford and Ronald Reagan in 1976. The Democrats have to look back another 20 years to find their last real nailbiter.

That was when Estes Kefauver barely defeated John Kennedy for the vice presidential nomination in 1956. The Republicans also saw a reasonably close fight between Dwight Eisenhower and Robert Taft in 1952, and the Democrats had another for the vice presidency between Henry Wallace and Harry Truman in 1944.

That brings us back to 1940, and the convention that had it all—the five days in Philadelphia during which the Republicans took six ballots to select a candidate. Not only was the convention exciting, but the stakes were also high: Would this country keep its head in the sands of isolationism, or would it face the menace of Adolf Hitler?

The 1940 race began with Tom Dewey, who had gained national attention as a crusading district attorney, comfortably in the lead for the Republican nomination, with over 50 percent in the Gallup poll, followed by Ohio senator Robert Taft and Michigan senator Arthur Vandenberg. Although Dewey and Vandenberg would later become internationalists—and Dewey may have been a closet one even then—all three men were campaigning as isolationists, determined to keep this country out of World War II, which had started the previous September. In this regard, they probably reflected the attitudes of most Americans and certainly those of the great majority of Republicans. The Nazi conquest of Poland had settled into "the phony war," with neither side doing much of anything. Most Americans disliked Hitler, but they felt little danger from him because the mighty British fleet appeared to control the seas, and on land, behind the supposedly impregnable Maginot Line, there was the French army, widely considered to be the best in the world, standing ready to repel the Nazis.

One potential Republican presidential candidate was clearly more concerned about Hitler than the others. This was Wendell Willkie, the president of Commonwealth and Southern, a utility holding company in New York. Willkie had become a public figure because of his spirited defense of the private electric companies against the threat presented by New Deal public-power projects like the Tennessee Valley Authority.

Born in a small town in Indiana, Willkie still had his hair cut "country-style." He seemed to have stepped out of a Norman Rockwell painting. He was also handsome, vital, and warm, with immense personal appeal. To Republicans who liked Franklin Roosevelt's sympathy for the allies but had a low opinion of his economic policy, Willkie began to look like an interesting presidential possibility. This group was not large in early 1940, but it was highly influential. It included much of the staff of *The New York Herald Tribune*, the voice of the northeastern Republican establishment. Willkie had met that newspaper's publishers, Helen and Ogden Reid, through their friend and his mistress Irita Van Doren, the *Herald Tribune*'s book editor. Van Doren also introduced him to a wide range of journalists and writers, including the novelist Sinclair Lewis and his wife, the promi-

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Charles Peters, the *Washington Monthly*'s founding editor, is writing a book about the 1940 Republican convention and its consequences to be published by Public Affairs in 2005.

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nent columnist Dorothy Thompson.

At a conference in August 1939, Willkie met and was immediately befriended by Russell Davenport, the editor of *Fortune*. Through Davenport he met Henry Luce, the most powerful publisher in America. Luce, who strongly opposed Hitler, owned *Life*, the first and by far the most popular picture magazine whose impact at the time could only be compared to that of a combination of several of today's television networks. Luce also owned *Time*, the most popular of the magazines devoted to reporting current events. *Time* did not hesitate to propagandize for Luce's causes, molding the political thinking of much of the American middle class.

The great New York banks, led by Thomas Lamont of J.P. Morgan, and their Wall Street lawyers also tended to favor the allies. They had much more power and influence than they do today. Lawyers and bankers all over America were careful not to get on the bad side of the big boys from New York, who could cut them in on lucrative business.

Thus, Willkie was not without friends. But at the beginning of April their efforts had only resulted in his getting three percent in the Gallup poll, far behind Dewey, Taft and Vandenberg. But then on April 9, 1940, Hitler invaded and quickly conquered Norway and Denmark. People became more concerned about the threat from abroad, and interest in Willkie rapidly escalated. A young Wall Street lawyer named Oren Root launched a petition movement on Willkie's behalf that quickly took fire and led to the establishment of Willkie clubs throughout the country.

We want Willkie

On May 10, the Nazis invaded Belgium and France. Soon, the Belgians surrendered, the British were evacuated from Dunkirk, and the French army was reeling in retreat across the Seine. Willkie's warnings about Hitler now seemed prescient. A movement that had originally seemed composed exclusively of Harvard, Yale, and Princeton alumni—Alice Roosevelt Longworth said it sprang from the "grass roots of a thousand country clubs"—now expanded to include millions of average citizens. Tens of thousands of enthusiastic volunteers flocked to the Willkie clubs. Luce's propaganda machine churned out one pro-Willkie article after another. So did two of the nation's other most popular magazine, *Look*, and *The Saturday Evening Post*. And the *Herald Tribune*'s influential columnists Walter Lippmann and Dorothy Thompson, as well as its editorial writers, seemed to become more passionately committed to Willkie every day.

On June 22, France surrendered. A keystone of the isolationists' faith had crumbled—the French army had failed to hold off Hitler. Now only Britain stood between us and the Nazis, and, among Republicans, only Willkie favored all-out aid to Britain. Still, as the balloting at that week's convention began, Willkie had only 105 votes on the first ballot. This was enough to put him ahead of Vandenberg, who seemed to have lost his stomach for the fight, but Willkie still needed 501 to win. Dewey was well out in front with 360, and seemed within striking distance of victory. But at 38, the prosecutor's youth and inexperience worried delegates who were beginning to think that a more seasoned leader was needed to confront the grave world situation.

On the second ballot, Dewey lost 22 votes. Taft's total improved from 189 to 203. Willkie gained the most, going from 105 to 171. Willkie's volunteers had packed the gallery and kept chanting "we want Willkie." That morning, the latest Gallup poll of GOP voters around the country showed Willkie had moved ahead of all of the other candidates.

A liberal Democrat

Still, there were great obstacles to Willkie's candidacy. He simply was not a typical Republican. Not only did he not share their isolationism, but he was also in many ways a liberal Democrat—on race, for example, more liberal than Franklin Roosevelt. Indeed, he had only recently changed his party registration to Republican. There was also a danger that Dewey and Taft would join forces against him. They had enough votes to control the convention. But they had to move fast. Willkie was continuing to gain.

On the third ballot, he jumped into second place ahead of Taft with 259 votes. Taft gained nine for a total of 212. Dewey was still in the lead but continued to lose votes and was now down to 315. Managers for the candidates raced around the floor trying to pry delegates away from their opponents, and to keep those already on their side from defecting.

On the fourth ballot, with chants of "We Want Willkie" ringing through Philadelphia's Convention Hall, Willkie moved ahead with 302 votes. Taft, with 254, also passed Dewey, whose total decreased to 250.

Dewey and Taft managers tried to make a deal. But each of their candidates wanted to be president, with the other settling for the vice presidency. Neither man would budge.

The fifth ballot saw the collapse of Dewey's candidacy. He got just 57 votes. The race was now between Willkie and Taft, who each added exactly the same number of votes, 123. Taft was "Mr. Republican" to most of the delegates, and probably their real preference. But Willkie had begun to have the smell of a winner; even to isolationist delegates, this meant he might be a better vote-getter than Taft, and that his presence at the head of the ticket might help lesser Republicans get elected.

The large delegation from Michigan, which had stuck with Vandenberg, and the even larger one from Pennsylvania, which had been voting for its favorite son, Gov. Arthur James, were now the targets of desperate pleas from the Willkie and Taft camps. On the sixth ballot, the race was still close when Michigan was recognized. The delegation's chairman announced that Sen. Vandenberg had released his delegates, and that Willkie would get 35 of its 38 votes. Pennsylvania then gave Willkie all of its 72 votes. He now had a total of 502, one more than a majority, which meant that the man who had stood at 3 percent in the polls less than three months earlier had become the nominee of the Republican Party. And Franklin Roosevelt had an opponent who would support his foreign policy. The significance for Britain, the United States, and the world was not inconsiderable. ◆

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Independence Way

John Kerry thinks we can innovate our way to energy security. We're closer than he knows.

By Sam Jaffe

If there's one topic on which Democratic presidential candidate John Kerry seems to have the vision thing, it's his goal of freeing America from her dependence on foreign oil. Last month, while delivering the weekly Democratic radio address, Kerry placed this issue to the center of his agenda. "Soaring energy prices are putting our economy at risk," he argued, and "our dependence on Middle East oil is putting our national security at risk."

Unfortunately, Kerry's solution has not quite been quite as forward-thinking as his rhetoric. He wants to provide $10 billion worth of incentives to the U.S. auto industry to encourage automakers to step up their production of advanced vehicles, ignoring the fact that Detroit has been getting similar subsidies for a decade, to little effect. And while Kerry is on the right track when he argues that the only long-term solution to our dependence on imported oil is "inventing our way out of it," his plan to move America to a hydrogen economy by 2020 doesn't go much beyond President Bush's plan for funding more research on hydrogen-powered vehicles. According to an MIT study published last year, even aggressive research is unlikely to put a viable hydrogen car on the road during the next two decades—and wouldn't even necessarily produce less carbon than today's hybrid automobiles.

But there's a way Kerry's plans—or Bush's—can live up to the rhetoric. During the past year, a pair of new technologies has emerged that, if properly nurtured, could provide the key to a broader effort to wean Americans off foreign oil, drastically reduce pollution, and help slow global warming. The first is an industrial process that may make ethanol far cheaper to produce than ever before, with the potential of making this much-maligned—and over-subsidized—biofuel economically competitive with gasoline. The second is a small, inexpensive piece of hardware that could make ethanol the basis for radically transforming our transportation infrastructure. Making these technologies yield a new product at the pump won't be easy. But they're far more promising than much of the research on which we're currently spending federal dollars and intellectual energy.

Bad gas

As far as the science books are concerned, ethanol is merely a form of alcohol, commonly produced from corn, that is mixed in with gasoline to provide transportation power. In Washington, however, the word "ethanol" immediately calls to mind billions of dollars in wasteful government subsidies and sycophantic paeans to imaginary family farmers. And for good reason. Beginning in the late 1970s, the federal government granted a tax credit at the pump for ethanol-compounded gasoline, plus an income tax credit for small ethanol producers—policies that have cost the taxpayer more than $7 billion in revenue over the last two decades, without much payoff (except to agribusiness). The ethanol industry produced 2.8 billion gallons last year, less than 3 percent of the volume of gasoline consumed by Americans. As a result, only a small fraction of gas stations actually sell ethanol-gasohol mixtures. To provide enough grain-based ethanol to power the economy, notes Cornell agricultural economist David Pimentel, we'd have to use almost all of the farmland in the country just to grow the raw materials.

Worse, making ethanol is a hideous waste of energy.

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Traditional ethanol is made from fruit, primarily corn kernels, while the rest of the plant is either burned or plowed back into the soil. After its arrival at the ethanol refinery, the corn is mashed, producing a gooey soup. Then it is placed in high temperature fermenters that break down the corn sugar into ethanol and water; a series of boiling and condensing processes squeezes out most of the water, leaving fuel-grade ethanol, which is essentially 199-proof vodka. All that work takes up a lot of energy—more energy, in fact, than is contained in the final product. The farming and refining process needed to produce one gallon of ethanol requires the equivalent of 1.3 gallons of gasoline. "Corn ethanol just isn't efficient and people will be left hungry if we use our croplands to grow fuel instead of food," says Pimentel. "It's just a bad idea."

With a new microbe that turns corn husks into ethanol and a $5 device the size of a Bic lighter, America could wean itself off foreign oil.

As currently produced, ethanol is also more expensive than gas. Thanks to an intensive Department of Energy research program costing billions of dollars over the last three decades, scientists have determined how to make ethanol from corn as cheaply as possible and make it burn inside an engine as cleanly as possible. But the gasoline-ethanol mix for which most American cars are equipped—known as E85, because it is composed of 85 percent ethanol and 15 percent gas—still costs at least $2.20 per gallon. Even now, with gasoline prices at a relatively high $2 a gallon, that's no bargain.

Waste lines

Two new technologies, however, have the potential to make ethanol fuels much more practical. The first is a method for producing ethanol not from corn kernels, but from the plant's stalk, roots and leaves, known as cellulosic material. So-called cellulosic ethanol has been around for years, but breaking down the cellulose to make it fermentable was inefficient, expensive, and manufactured a fair amount of pollution. A Canadian biotechnology firm called Iogen, however, has developed a genetically-engineered microbe that processes the cellulose much more easily. (A European company, Novozymes, recently reported that it had developed a similar process.) Cellulosic ethanol made from stalks and husks still has to be fermented. But because it uses cast-off waste products of food that's already being grown, Iogen's process saves on both raw materials (depending on wholesale prices, raw corn can represent anywhere from 50 to 70 percent of the wholesale price of traditional ethanol) and energy costs.

According to estimates done by Charles J. Wyman, a Dartmouth environmental engineer who has consulted for ethanol firms and is an expert in refinery technology, the new technologies could bring the price of cellulosic ethanol down to between 60 and 80 cents per gasoline-gallon-equivalent. (Because ethanol produces about a third less energy than gasoline when burned in an internal combustion engine, you need a third more ethanol than gasoline to drive the car the same distance.) And that's within the price range of refined gasoline, which runs between 25 cents per gallon drawn from Saudi oil and 75 cents per gallon for Wyoming oil. "It's getting to the point where the economic argument is just screaming at us," says Wyman. Iogen is already betting on the future: In partnership with Royal Dutch Shell, the company has begun construction on a plant that, by 2006, is expected to produce about 100 million gallons of ethanol per year.

The prospect of cheap cellulosic ethanol makes it possible to envision a very different energy landscape. Since it doesn't require fuel-intensive refining, Iogen's product would provide a net energy gain. If it becomes competitive with gasoline, we could begin substituting cellulosic ethanol for imported gas. According to an estimate by the consulting firm Burrill Co., if the waste products of all American farms were converted into cellulosic ethanol (a long-term, best-case scenario to be sure) it would provide 25 percent of all the energy needed to run our transportation system—about the same percentage which we import today from Venezuela and the Persian Gulf combined. (The rest currently comes from U.S. sources, Canada, and Mexico.)

And while traditional ethanol production requires us to burn our own food, cellulosic production does not. Indeed, a number of energy crops including poplar trees and sugar beets can be grown on land unsuitable for food production. Most intriguing of all is switchgrass, a hardy North American plant that can be raised without irrigation and harvested with a low-labor process similar to mowing the lawn. In other words, it requires very little energy to bring to harvest compared with ethanol's traditional corn. According to Cornell's Pimentel, roughly 15 percent of the North American continent consists of land that is unsuitable for food farming but workable for switchgrass cultivation. Given the typical energy yield of switchgrass, a rough calculation indicates that if all that land were planted with switchgrass, we could replace every single gallon of gas consumed in the United States with a gallon of inexpensive, domestically produced, and more environmentally-friendly cellulosic ethanol.

Fuel cell growth

Burning cheap ethanol instead of gas in our cars and trucks would be a good step towards weaning our economy off Persian Gulf oil. But a second technology could make cellulosic ethanol the basis for a viable hydrogen transportation system.

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For years, scientists have sung the praises of hydrogen, which many consider the ideal fuel of the future. When fed into a device known as a fuel cell, hydrogen reacts with airborne oxygen to produce electricity. Because the only byproduct of this chemical reaction is pure water, hydrogen fuel cells are environmentally friendly. And fuel cells produce energy with far less waste than internal combustion engines. Whereas a typical car engine uses only about 25 percent of its energy output to turn the wheels, fuel cells are up to 60 percent energy-efficient. The tantalizing promise of this efficient, non-polluting energy is what inspired policymakers in the Clinton Administration to urge millions of dollars in government spending on hydrogen fuel-cell technology, lured President Bush into proposing his multi-billion-dollar "Hydrogen Initiative," and convinced Kerry to mimic Bush's plan with his own proposal to convert the United States to a hydrogen economy.

But hydrogen power has long faced seemingly intractable problems. The obvious method of creating hydrogen, refining it from natural gas, uses a lot of old-fashioned fossil fuel. There's also an infrastructure problem: Because hydrogen is a very expansive gas, it has to be highly pressurized—to 700 times ambient air pressure—in order to be transported to filling stations and stored in automobile fuel tanks. In his recent book, *The Hype About Hydrogen: Fact and Fiction in the Race to Save the Climate*, hydrogen proponent Joseph J. Romm calculated that using a tanker and truck system to transport hydrogen would eat up 40 percent of the energy ultimately being delivered at the back end. Romm concludes that "hydrogen vehicles are unlikely to achieve even a five percent market penetration by 2030" and that "neither government policy nor business investment should be based on the belief that hydrogen cars will have meaningful commercial success in the near- or medium term."

There is, however, a better way of storing the hydrogen needed for fuel cells: in ethanol, each molecule of which bundles six hydrogen atoms, two carbon atoms, and one oxygen atom into a package far more compact than gaseous hydrogen. Until recently, no one could figure out how to unbundle the ethanol molecules in an energy-efficient way. But Lanny Schmidt, a chemical engineer at the University of Minnesota, may now have found a silver bullet. He has developed a glass tube containing a series of metal plates about the size of a Bic lighter. Made out of the exotic metals rhodium and cerium, these plates can suck the hydrogen out of ethanol and feed it into a fuel cell. (Ironically, Schmidt had been looking for a catalyst that would strip hydrogen from plain old gasoline, but the ethanol turned out to work even better.) "We can produce about 85 percent pure hydrogen right now," he says. "And there's no reason to believe that we can't push that up to another 10 percent."

The working prototype of Schmidt's ethanol "reconstituter" costs about five dollars, so it's cheap technology. And just as important, the reconstituter works even if the ethanol is "wet," or has a high water content. Schmidt estimates that over half of the energy used to produce fuel-grade ethanol for internal combustion engines is consumed in squeezing out that last five percent of water content. "If you don't have to refine that out," Schmidt points out, "you save a lot of energy and money"—on top of the energy and money saved by using non-food crops to produce cellulosic ethanol.

Because it can use wet ethanol, the reconstituter makes

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it possible to save much of the energy that is otherwise wasted purifying the ethanol for use in internal combustion engines. A car could conceivably fill its tank with cellulosic ethanol and then run a fuel cell off the ethanol's hydrogen. The process isn't perfect. Whereas a fuel cell running on gaseous hydrogen leaves behind only electricity and water, Schmidt's reformer produces a byproduct of waste gases, including carbon monoxide and carbon dioxide. But it's still far cleaner than an internal combustion engine burning gasoline (or ethanol, for that matter). And crucially, the process doesn't add any extra carbon to the atmosphere, since each carbon atom being released by the reconstituter has already been inhaled from the atmosphere by plants. So while an ethanol-based fuel cell utilizing Schmidt's device would still produce some pollution, it would also produce renewable energy without adding to global warming.

The perfect v. the very good

Even if Schmidt's discovery proves to be legitimate and the Iogen enzymes really can produce cheap ethanol, there are still significant technical and logistical obstacles to realizing the new technologies' promise. What's needed most is a fuel cell design which can run on the slightly impure hydrogen produced by Schmidt's reconstituter. Currently, the lion's share of private and public research funds have been spent on a different form of fuel cell, known as the proton exchange membrane (PEM), which requires a stream of nearly pure hydrogen to function properly. The alternative is to use solid-state fuel cells, which can take an impure hydrogen stream and transform it into electricity. But they can only operate at temperatures of about 600 degrees Fahrenheit, a level of heat which makes them impractical for use in cars. Before Schmidt's discovery makes hydrogen cars possible, scientists will need to engineer ceramic materials that can function at that temperature throughout the car's lifetime. The good news is that ceramics research is a well-established science, in which advances depend far less on massive breakthroughs or new scientific principles compared with the steps needed to make PEM fuel cells economical and durable.

That makes it a better investment than PEMs, to say nothing of the money now spent getting consumers to buy a old-fashioned, energy-inefficient corn ethanol. "This technology doesn't need subsidies to survive," says Schmidt. "What we need is a uniform, clear and sensible energy policy. All we have now are a smattering of small research programs and a lot of words." Bush's Hydrogen Initiative is supposed to fund basic research to help create a hydrogen economy, but the small portion of that money that hasn't been spent on pork projects to "educate" the public is earmarked for research into exotic technologies that look unlikely to pan out. And as yet, Kerry's hydrogen proposal doesn't go much beyond hopeful generalities.

Instead of spending all of our research funds on such long-shot technologies as artificial zeolite construction or nanotube-based polymers, federal research dollars should be directed at the more immediate goal of straightening out the final kinks in the ethanol-to-hydrogen plan, such as improving ceramics technologies for solid-state fuel cells, re-engineering our petroleum infrastructure for ethanol, and learning how to farm switchgrass in the most profitable and environmentally-sustainable manner. Today, there are no more than a half- dozen scientists who specialize in switchgrass; we should turn that number into half a thousand. Instead of subsizing the purchase of ethanol, federal dollars might be better spent priming consumer purchase of flexible-fuel vehicles, widespread adoption of which would hasten the emergence of cellulosic ethanol as a competitive alternative to gas. Kerry or Bush could also jump on the bandwagon built by Sens. Tom Daschle (D-S.D.) and Richard Lugar (R-Ind.), who have co-sponsored a bill to push cellulosic ethanol.

Encouraging research into cellulosic ethanol makes political sense. Landowners in the Southwest (think swing states Arizona, Nevada, and New Mexico) would see their property values rise if switchgrass cultivation became widespread. And cellulosic ethanol made from castaway plant matter would provide a new source of income for farmers in the Midwest and Plains (the Dakotas, Ohio, Wisconsin, and Indiana). That would bring the price of cellulosic ethanol up a bit, but it would still be far cheaper than traditional ethanol made from food crops.

The good news is that we don't have to wait to build the perfect fuel cell. If mass-produced cellulosic ethanol pans out, it's still a better fuel—for our environment and our security—than gasoline or old-fashioned ethanol. By expanding our domestically-raised supply of cellulosic ethanol, we can begin the slow process of weaning ourselves off Middle East oil. (It only costs about $50 to retrofit a car to run on ethanol alone.) Because ethanol doubles as an internal combustion fuel, we can begin creating an ethanol infrastructure even as fuel-cell research continues apace. Once fuel-cell technology matures, Detroit can start making cars that don't require internal combustion engines but run on the same fuel as cars already on the road. By 2020, the United States could have a transportation economy that spews only trace amounts of pollutants, adds no carbon dioxide to the atmosphere, and runs entirely on domestically produced fuel.

Manufacturers of traditional ethanol might put up a fight. And some environmentalists will hold out for the dream of solar and wind power. But in this case, the perfect may be the enemy of the very good. "Most politicians talk about fixing the energy problem in a time frame of decades," says Anne Korin, an analyst at the Institute for the Analysis of Global security, an energy policy think tank. "If we wait for a perfect energy technology to be developed, it will take a very long time. We now have several technologies that work well enough to end all foreign oil imports in ten to fifteen years, but only if we start implementing them right now." ◆

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Hot For Teachers

John Kerry's quietly radical school reform plan.

By Jonathan Schorr

A while back, I had occasion to talk to a woman named Lillian Lopez about a bold choice she had decided not to make. Lopez, who lives in a barrio on the east side of Oakland, Calif., is a Mexican-American mom with dark red hair and a firm and plain-spoken way of making her point. She was the front woman for a remarkable grass-roots effort by low-income parents to flee Oakland's famously lousy school system and create a handful of new charter schools. Yet while she appeared on television and before the school board, fighting vehemently for the right to build alternative institutions, she herself wasn't planning to take part in the move. Her son Alex would stay where he was, in an overcrowded, low-performing, dilapidated district school called Jefferson Elementary because, she confided to me, Alex had a good teacher.

So, despite the physical dangers—her older son had been assaulted in a school in the same district—and an apparently intractable bureaucracy, she would keep Alex where he was. Later, a run-in with the principal would change her mind, but the bottom line was that she was prepared to suffer an awful lot for just one good teacher.

The truth that motivated Lopez was the same one that presidential candidate Sen. John Kerry (D-Mass.) has made the main plank of his education platform: In schooling, a good teacher matters more than anything else. In June, Kerry gave a series of speeches on education that set him up for a battle with George Bush over what has become the president's signature domestic-policy issue. Many liberals had hoped that Kerry would attack the testing requirement set forth in Bush's No Child Left Behind Act (NCLB), which has become increasingly unpopular, especially among teachers' unions. But Kerry, who had voted for NCLB, instead challenged two longstanding, and fiercely defended, union prerogatives: seniority-based pay increases and rules virtually guaranteeing veteran teachers tenure. The candidate proposed a "new bargain"—a $30 billion, 10-year plan of federal grants which would allow districts to raise the pay of teachers whose students consistently test above average, while at the same time making it easier for schools to fire bad teachers. "Greater achievement ought to be a goal," Kerry said, "and it should be able to command greater pay, just the way it does in every other sector of professional employment."

As the campaign moves forward, Kerry's teacher plan may prove to be very clever politics. By challenging the teachers' unions, Kerry gains centrist credibility in an area where he's bucked the liberal line before. (During his 1998 Senate race, he called for an end to teacher tenure.) It also gives Kerry a signature reform that contrasts him with Bush. And his plan ought to resonate with a lot of parents like Lillian Lopez, who know from experience that better teachers are the key to truly improving schools.

But if the plan makes for good politics, is it good policy, too? Is it focused on the big problem? Would it be a credible solution? And is there more Kerry should be doing? The answer to all four questions is yes.

School daze

Improving schools in poor neighborhoods has become arguably the most important civil rights issue of our time. It was Bush's pledge to "leave no child behind" that lent moral weight and authority to his legislation. But despite the consensus assertion that children in even the poorest environments can learn, some still suspect that public schools just can't do much for children who live in neighborhoods of concentrated poverty, where crime is rampant, too many families are dysfunctional, and the culture too seldom encourages academic achievement.

Look carefully at the education reform literature,

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however, and you'll find evidence that is both hopeful and frustrating. The hopeful finding is that good teachers can make all the difference. Over the last 15 years, dozens of studies examining failing schools that have been turned around have shown that the secret to success is high quality teaching. One Texas study showed that putting strong teachers into weakly performing classes nearly closed the gap between poor and affluent students' math scores. The Teaching Commission, a blue-ribbon bipartisan panel headed by former IBM chief Louis Gerstner that has studied the available school reform data, concluded: "The proven value of excellent teaching all but demolishes the notion that socioeconomic status is the most important determinant of what kids can learn."

The problem is that there aren't enough excellent teachers. Teaching pays poorly compared to other professions that require a similar level of educational attainment. And many intelligent young people who might otherwise go into teaching in spite of the low pay are put off by the mind-numbing credentialing process. Indeed, teaching disproportionately draws those with lesser prospects, who often haven't done particularly well in school themselves: According to one recent report, "students with the highest grades and test scores were the least likely among their peers to enroll in education classes or teacher training programs."

This was true a dozen years ago, when I went through my own certification process, and it remains true today. Far too few of my classmates at Cal State-Los Angeles, California's largest teacher factory, fit the mold of great educators. They had no great passion to teach, and would admit candidly that they'd never been particularly interested in their own studies. But faced with a grim job market, they knew what every college graduate knows: They could always teach. It's a disservice to children, and to the dedicated teachers who comprise most of the profession, that shortages force us to bring in folks who aren't up to the job or don't really want it in the first place.

The problem is further compounded by the fact that only a small number of the outstanding teachers who do enter the profession wind up at the worst schools. Thanks in part to uneven pay scales and a seniority system that allows tenured educators to pick their schools, the best teachers often start at—or move to—schools dominated by wealthier kids. The toughest schools, as you'd expect, too often get stuck with the worst teachers—those who view their jobs as little more than babysitting, who don't know their material, or who have long ago "stopped teaching," as the phrase goes. To be sure, this is far from universally the case. Many great teachers have been drawn, through commitment and energy, to the most challenging schools. And even the worst schools have teachers who are brilliant, inspired, and effective. But our system does little to support such educators in those settings so they'll stay. This is why Kerry's plan to use pay incentives to encourage good teachers to stay in failing schools takes on precisely the right issue.

The plan also has the potential to fill perhaps the most gaping hole in Bush's No Child Left Behind act. Under that law, states must soon take responsibility for turning around thousands of failing schools. But, as this magazine has previously reported ("Hire Ed," March 2004), states will succeed only if they are able to flood these failing schools with fresh talent, including tens of thousands of skilled, capable teachers—talent that is exceedingly hard to find.

Money matters

Kerry's plan would work like this: Teachers who can demonstrate excellence—by proving through standardized tests that their pupils are learning well—would be eligible for pay raises of about $5,000. Kerry would use similar bonuses to attract teachers to schools that are suffering from staff shortages (typically low-performing urban and rural schools) and to subject areas that have too few teachers, such as math and the sciences. Kerry would use the money not just as rewards for teachers, but also to provide incentives for schools and districts to create paths for career advancement, so that high-performing teachers could be promoted to master-teacher or mentor spots.

Districts that want the cash must show up arm-in-arm with their local teachers' union, and submit a plan to require "rigorous tests" for new teachers and to boot teachers who aren't performing. Under a "fast and fair" review provision, schools would shorten the time it takes to dump bad teachers.

The Kerry "bargain" is earning deserved praise among education wonks. Even the conservative school policy expert Chester Finn has said that this is "the best of Kerry's ideas." Indeed, performance bonuses are intuitively appealing. Bust your butt, do an especially good job, make a noticeable difference, and you get an extra-big paycheck—that's the American way, and a straightforward inducement to hard work and results.

But in America's vast, complex public school system, seemingly straightforward solutions run into myriad problems. One is that any federal effort to reward high-performing teachers and dump the bad ones must go through the states and districts that run the schools, and states and districts have traditionally bowed to teachers' unions, which have long opposed any move that they see as undermining teacher tenure or seniority-based pay scales. Kerry's shrewd political solution is to attach strings to federal money requiring that unions and school districts work together. Unions would thus have veto power over any changes in their tenure and pay rules, but would at least have to consider such changes, or else explain to their members why they're walking away from potential federally funded salary increases. This has helped enable Kerry to win the endorsement of teachers' unions, despite their politely-expressed reservations about the merit-pay provisions of his educational plan—a crucial step forward.

Another problem has been that while raising teacher salaries is crucial to drawing talented people to schools, it is not necessarily the most important variable. Other factors, chiefly working conditions, often mean more to teachers than cash. This should surprise no one. Most educators don't go into the profession strictly for money. I've known many teachers who would gladly have sacrificed pay for a sense of accomplish-

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ment and respect. In place of a raise, they'd prefer a schedule that would allow them to go to the bathroom more than once every four hours, a principal who would treat them as professional adults, or a building whose structure wasn't rotting. Most important of all, they'd ask to be part of a successful enterprise—one in which they and their colleagues were achieving goals for their students. Improving local school governance, however, isn't something Washington can really do directly. Kerry's plan, therefore, takes advantage of one powerful lever the federal government does have—money for teacher salaries.

Another problem is that merit-pay programs have been tried at the state and local levels—and often have not panned out. Many problems stem from the lack of a commonly-agreed upon objective system for judging performance. In schools that lack these systems, principals are often seen as awarding bonuses capriciously to favorite teachers. The way around this problem is to use an objective measure of teacher performance that removes the burden of the decision from the administrators. The best way to do that is by assessing a class's performance on a "value-added' metric, which measures the growth in a group of students' scores over the course of a year. But that can lead to a second problem: creating perverse incentives. Teachers know that the strongest students are also the ones who typically show the largest annual improvement in test scores. Therefore, the bonus might encourage some teachers to avoid weaker students. Likewise, transiency—the frequent moves from school to school and city to city common among poor families—plays havoc with such metrics. And we already know that some teachers, when enough depends upon test scores, will find ways to make sure that low-performing students stay home on test days. These problems can be figured out, but they're tough.

Two communities that have gone a long way toward solving them are Denver and Chattanooga. Denver's plan, sponsored jointly by the school board and the local teachers union, called for teachers to develop achievement objectives for their students, and raised the pay of those instructors whose students met them. After a pilot program proved successful in hiking test scores, teachers easily approved a new policy that will offer monetary rewards both for achievement and for those who teach in schools or subjects where skills are scarce. The plan, drawing upon the revenues from a new local tax, has raised the maximum teacher pay from $60,000 to $100,000.

Chattanooga has also drawn attention for its merit pay program, which offers $5,000 annual bonuses to teachers who work in low-performing schools and still see their students improve under a value-added metric. As with Denver, Chattanooga has paired its bonus scheme with extensive support and training for teachers, and has seen student performance improve in all its targeted schools.

Trouble with sums

Yet even assuming that plenty of school systems and unions agree to work together to take advantage of the Kerry bonus plan, and use a value-added evaluation system to help determine whether student progress is legitimate, serious concerns remain about whether the program is big enough to make a dent nationally. Even the substantial sums that Kerry has promised to invest in his pay-for-performance plan undershoot his espoused goal of paying teachers "like the professionals that they are." By way of comparison, "Teaching at Risk," the concluding report from Gerstner's Teaching Commission, proposes a federally-funded 10-percent raise for all of the country's teachers, with three times that for strong performers, a package that would cost $30 billion per year. Yet Kerry proposes only a tenth of that sum. It's a good beginning, but as the pundit Matt Miller recently wrote in his syndicated column, "Is it equal to the scale of our teacher woes? Only if Kerry adds a lot more money later." At the very least, Kerry would be well advised to give larger rewards in fewer and more exactly targeted locations. Parceling out some $20,000 bonuses to improve teaching in the very worst schools would do much to help us figure out if a bold performance-pay strategy can truly change the game.

The relative paucity of these sums—Miller contrasts Kerry's education plan with the senator's proposal to spend $650 billion over a decade on health care for the uninsured—is in part due to constraints imposed by the federal deficit, and in part to Washington's traditionally small role in funding education. With NCLB, the Bush administration increased federal education spending by nearly 60 percent—but even now, federal money still accounts for less than 10 percent of all expenditures on public schooling. Nevertheless, Kerry's plan has the potential to change incentives for school systems; perhaps local governments and business groups will help to fatten the rewards. Ross Weiner, policy director for the Education Trust, believes that the $5,000 bonus will make a difference in some places; but, he adds, "Will it entirely transform education? No."

Kerry's plan also includes many other promising but modestly funded initiatives. He wants to require schools to set up master-teacher and mentor slots, a smart move that could both help rookie teachers overcome the often isolating and difficult experience of teaching in tough schools and provide opportunities for veteran teachers to have more peer support and opportunities for professional development. And his plan for a Teacher Corps, tapping mid-career professionals from business and the military, could prove a welcome alternative to the often-alienating experience of the nation's mediocre education schools, creating a useful new onramp to the teaching profession.

But among all of these worthy ideas, Kerry's pay-for-performance plan stands out as the real potential breakthrough. The candidate has put his finger on the next big challenge in America's campaign to reform education, and seems to have figured out a way for the federal government to fix the problem. Kerry's task now should be to commit far more money to his proposal. That would not only give the plan a better chance of working. It would also garner his reform far more notice in the presidential race, signalling to both reporters and voters that John Kerry really is serious about fixing America's most glaring civil rights problem. ◆

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The Crucible

How the Iraq disaster is making the U.S. Army stronger.

By Phillip Carter

In late 1862, as he watched thousands of Union soldiers die during the bloody battle of Fredericksburg, Confederate Gen. Robert E. Lee said grimly: "It is well that war is so terrible—we should grow too fond of it." The war American forces are embroiled in today is perhaps less terrible, but in some ways it has cost us just as dearly.

Since September 11, the U.S. military has expended an enormous amount of spirit, blood, and treasure on battlefields halfway around the world. In Iraq and Afghanistan, 979 of our soldiers have been killed; and another 5,600 wounded. More than a quarter of a million young men and women have been exposed to the horrors of combat. The abuses at Abu Ghraib have damaged America's moral credibility, and that of our armed forces, around the world, hampering our ability to win hearts and minds in the war on terrorism. The Bush administration's foreign policy decisions have been expensive both in dollars—$149 billion in taxpayer money to date, with billions more yet to be spent—and in material, having all but depleted the Pentagon's stocks of pre-positioned vehicles, equipment, and ordinance. Our enormous commitment of resources to Iraq has emboldened our enemies, including North Korea, and has forced us to neglect other crisis spots such as Haiti and the Sudan. And it has pushed American soldiers to the breaking point. Even when our commitment in Iraq ends, it will be several years before our forces have recovered enough to take on a military venture of similar size.

But the stresses of war—and in particular the aftermath of defeat or failure—have historically spurred the most profound and lasting revolutions in military affairs. During World War II, Gen. George Patton used the Army's trouncing at the Kasserine Pass as an excuse to whip our poorly-disciplined, poorly-trained, and poorly-led forces into shape. Out of the ashes of defeat in Vietnam, a cadre of officers, including Colin Powell and Anthony Zinni, turned a dispirited draft force into a volunteer body that became the most powerful military the world had ever seen. And only after the debacle of Desert One—the failed 1980 Delta Force raid to rescue American hostages from Iran—did the military get serious about special operations and joint warfare.

Today, the pattern appears set to repeat itself. Though we don't yet know whether historians will judge the second Gulf War to have been a victory or a defeat—America decisively won the battle of tanks and artillery, but has yet to win the peace—the searing experience of Iraq is already inspiring the U.S. military to reshape itself for the better.

War and peace

The spring 2003 march of American forces on Baghdad was arguably the fastest and farthest military assault of its kind in history, and was a resounding success. But the brilliance of the Iraq war's combat phase was matched by the ineptitude of Pentagon planning for the post-war period. When Saddam's statues began to fall, U.S. forces lacked the manpower, training, and resources to combat the chaos that followed or launch the peacekeeping operations that would be necessary to establish security and order. These early failures permitted former regime loyalists and a flood of new insurgents to establish a foothold in Iraq, one they have yet to surrender. Even today, there are too few men and women on the ground trying to perform the many operations which they have been assigned, from protecting our bases and forces to guarding power plants to conducting nighttime raids on suspected insurgents.

In large part, this is the consequence of a deliberate—and ill-considered—choice by Secretary of Defense Donald Rumsfeld and his civilian deputies, who were determined to send in an invasion force with many fewer ground troops than uniformed officers had asked for. Programmatically,

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Rumsfeld, an opponent of nation building and an advocate of joint warfare, special ops, and air power, wished to prove that the military could get by with a smaller ground force than it had during the 1990s. Ideologically, he and his neoconservative advisors believed that Americans would be greeted as liberators in Iraq, obviating the need for a large occupation force.

But the problem wasn't simply that the neoconservatives weren't interested in planning for a postwar Iraq; the Army, too, retained an historical reluctance to embrace counter-insurgency and peacekeeping as major roles. For obvious reasons, the Army has always seen its mission as fighting wars, not keeping the peace (let alone providing homeland security). From the late 1940s until the end of the Cold War, the Army had arrayed itself to fight one massive land battle in Europe; post-conflict reconstruction was little more than an afterthought, something best left to State Department planners. This attitude began to change during the 1990s, when Army forces were dispatched to Somalia, Haiti, Bosnia, and Kosovo to deliver relief supplies, enforce peace accords, and stop ethnic cleansing, among other non-combat missions. Some high-ranking officers, most notably Gen. Eric Shinseki, the last Army chief of staff under Bill Clinton, tried to change the service's culture to reflect his experience running peacekeeping operations in Bosnia.

Despite a mostly successful record on these deployments, however, the Army never embraced non-combat operations as a crucial part of its mission. Two of the Army's three major training centers—the Combined Maneuver Training Center in Germany and the National Training Center in California—focused primarily on major combat operations, with peacekeeping exercises occasionally added on as a sideshow limited to military police and civil affairs units. The third, known as the Joint Readiness Training Center and located in Louisiana, began incorporating large-scale "operations other than war" scenarios, but limited participation to the Army's light infantry formations, which make up less than half the service's combat strength. When presidential candidate George W. Bush—whose national security guru, Condi Rice, famously opined that the United States didn't "need the 82nd Airborne escorting kids to kindergarten"—won the election, many tradition-minded officers breathed a sigh of relief. And in 2002, citing budgetary pressures, senior Army leaders decided to shut down the Peacekeeping Institute located at the Army War College in Carlisle, Pa.

But Iraq seems to have taught Army leaders that planning for the peace is as vital as planning for war—and, indeed, that failing to do so may ultimately lead to strategic defeat. The success of American efforts in Iraq will be judged not only by how quickly our tanks fought their way from the Kuwaiti border to Baghdad, but by the success or failure of Iraq's transition from tyranny to democracy. And while the new government in Baghdad faces many challenges, very little progress will be possible unless American forces can maintain the security necessary to let Iraqis rebuild their country's infrastructure. One sign that Army officials may embrace peacekeeping more than they have in the past: In July 2003, the Army reversed its earlier decision to close the Peacekeeping Institute, in part due to our current need, given our extensive presence in Iraq, to maintain a center to study this issue. Additionally, the Army's service academy at West Point may soon require that its cadets spend a semester abroad, immersed in a foreign language and culture. Meanwhile, the National Training Center has bulked up the training it provides for stability and support operations. And even Rumsfeld has adapted: His plans now call for the Army to shift major peacekeeping assignments—chiefly civil affairs, engineer, and military police units—from reserve to active-duty units.

Of course, it is one thing to know how to keep the peace and to dispose of the resources to do so—it is quite another to be good at the job. Counter-insurgency and nation building have been called the two toughest tasks for any army, likened by Lawrence of Arabia to "eating soup with a knife." But next time around, the Army will at least bring a knife.

Shoot first

The Army's chief of staff, Gen. Peter Schoomaker, likes to call the March 2003 ambush of the 507th Maintenance Company—during which Jessica Lynch was taken captive—part of the Army's "report card." He doesn't mean it as a compliment. That engagement revealed an unfortunate truth about many of the Army's support units: They were poorly-led, badly-equipped, and unready for the brutal rigors of combat. The 507th suffered more visibly than most, losing nine soldiers killed in action and six taken prisoner. But in fact, similar failures have affected nearly every non-combat unit in the Iraqi theater. Before the war, an average support battalion consisting of roughly 1,000 soldiers was equipped with as many heavy machine guns as a typical military police platoon of 30 soldiers. And those support troops who had the guns didn't get much time to practice with them, because the pre-Iraq Army allocated less than half the amount of training ammunition to support units as to combat units.

Those who must fight on the run and move quickly—as Rumsfeld's dictates required—find that their supply lines frequently are their frontlines. During the first weeks of the war, the rapid advance on Baghdad stretched these supply lines vulnerably far. Though Iraqi insurgents couldn't beat American armor and infantry units in head-to-head battles, they mounted devastating guerrilla attacks on lightly-armored and -armed convoys like the 507th, forcing American commanders to deploy entire combat brigades to guard our supply lines. Nor did matters improve after Baghdad fell. U.S. troops dispersed across Iraq to enforce the peace, focusing on such major cities as Fallujah, Tikrit, and Baghdad, all hotbeds of insurgent activity. Ever since, in order to conduct resupply operations, move casualties, report for meetings, and rebuild bombed-out power plants, soldiers have had to drive or fly between them, providing the insurgents plenty of opportunities for hit-and-run attacks and forcing American commanders to devote a great deal of manpower to force protection. During the war, American supply lines ran along major

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highways through often unpopulated areas; today, the supply lines run in and around cities. The Iraqis know not to target heavily armed and armored combat vehicles that patrol in the cities, and why would they? They have a plethora of "soft" targets to hit: lightly-armored Humvees, ambulances, fuel trucks, and more.

The enemy's second favorite tactic has been to direct mortar and rocket fire upon fixed U.S. bases, often in hit-and-run fashion. Both tactics have focused on U.S. Army logistics units and command centers, because of their weakness in relation to "hard targets" like U.S. infantry units. Here too, the bases are vulnerable because of the Army's traditional Cold War mindset. According to Army doctrine, support bases are to be located outside the range of tank and rifle fire. In theory, that's supposed to keep them safe from all but minimal guerrilla activity—but Iraqi fighters have rejected this paradigm, deliberately targeting these bases because of their relative weakness to combat units. In response, support bases have hardened themselves, acquiring more crew-served weapons and armored vehicles, deploying radar that can detect incoming mortar fire, and training squads of soldiers to conduct combat patrols in the bases' vicinity. Today, the insurgents fight a cat-and-mouse game with these base camps, harassing them as much as possible before scurrying away into the night.

It is by no means unprecedented for the American military to face this form of combat; the Marines fought a series of "small wars" in the late 19th and early 20th centuries to retain American possessions in the Far East and Latin America, and the Army has fought them, too, in Somalia and Vietnam. But in those battles, combat units did the fighting, while support units—mechanics, truck companies, medics, and so forth—stayed out of action in fortified compounds. Because American troops in Iraq must both beat back the insurgency and rebuild a war-torn nation, they can't stay behind barbed wire. And unfortunately, the Army doesn't have enough troops to both take the offensive and secure logistics units that can't protect themselves. So, it has returned to the old maxim, long embraced by the Marines, that every soldier—regardless of occupational specialty—must be able to fight as an infantryman. In practical terms, this means that every soldier must be physically fit and tactically competent enough to fight his or her way out of a firefight when necessary, to patrol on foot when necessary, and to kill the enemy when necessary.

This new training regimen has yet to reach all 482,000 soldiers in the Army, but there are more tangible signs of progress. Before Iraq, support units often did not participate in large-scale, live-fire exercises with real bullets the way their combat brethren did. Now, every support unit preparing to deploy to Iraq goes through a convoy-ambush exercise with real bullets. Before Iraq, support units lacked enough war-fighting equipment—heavy machine guns, truck-mounted grenade launchers, night-vision goggles, and GPS devices—to protect themselves. Now the Pentagon has shipped these items to support units in the field and revised plans so that future deployments include the right equipment as a matter of course. Before Iraq, most Army Humvees and trucks had nothing but canvas and thin aluminum for armor—which keeps out the rain, but not bullets. Today, the Army is rushing thousands of armored Humvees into the field, and retrofitting other vehicles with armor plates and sandbags.

Iraq has pushed the Army to be much more flexible with its frontline units, too. Traditionally, the Army's combat "branches"—infantry, armor, and artillery—have jealously guarded their purity, even when the situation on the ground demands flexibility and adaptation. Despite the global trend towards urbanization, and proof in places like Mogadishu and Sarajevo that urban combat was where armies would live and die in the 21st century, the Army's armor branch for years clung to the notion that tanks didn't belong in cities. This notion was finally put to rest on April 7, 2003, when an armored task force from the 3rd Infantry Division dashed into the heart of Baghdad, occupying the presidential palace grounds and several other key sites. Many military experts think this "thunder run" may have shortened the war by weeks or months, despite the fact that the plan had no foundation whatsoever in traditional Army doctrine. Since then, tanks have played a key role in counter-insurgency operations, sometimes to back up infantry with firepower and sometimes with simple intimidation. (The ground actually trembles when an M1A1 tank drives nearby.) Likewise, manpower demands in Iraq have given commanders more leverage to transform units that aren't much needed into new capabilities that are. Active-duty artillery units—a capacity provided in Iraq by the Air Force—have been converted into ad hoc infantry units that now patrol Baghdad and Fallujah. Back at home, the Pentagon has dispatched two artillery brigades from the National Guard to Fort Leonard Wood, Missouri, for MP training.

No one expects machine gun-equipped logistics troops or retrained artillery units to execute complex combat missions. But the changes have allowed the Army to overcome some of the limits of its old-fashioned force structure and add manpower or capability where shortages exist.

Moreover, a willingness towards on-the-fly retraining moves our Army, over the long term, that much closer to a 21st century force adapted for asymmetric warfare. Army Maj. Donald Vandergriff, a noted reformer in the ranks, agrees, saying that he finally sees signs the Army is preparing "for the type of wars we are going to fight—expeditionary wars of rapid, no-notice deployments" where the missions could include peacekeeping, war fighting, and everything in between. Should our Army deploy to, say, the Sudan, it's possible that soldiers will find themselves as relief workers and truck drivers one minute, and infantrymen the next. Making sure every soldier can fight—and fight where needed—maximizes the prospects for every soldier coming home.

Are you experienced?

Such added flexibility, of course, has been borne of necessity: Lack of significant allied support has forced the United States to cycle the vast majority of its combat units through

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Iraq. Nearly every combat formation in the Army, save those now deployed in Korea, has seen action, with many soldiers serving multiple tours in Iraq or Afghanistan. (Most Marine combat units have likewise served in one or both countries.) But though the overstretch imposed by the war in Iraq has its costs, it also has benefits: Most notably, it has increased our troops' familiarity with the rigors of combat.

The stresses of war —and in particular the aftermath of defeat or failure—have historically spurred the most profound and lasting revolutions in military affairs.

War, as the saying goes, is hell. It alters men and women in ways that modern psychiatry can only begin to describe. The American and allied soldiers who fight in Iraq will all return changed by the experience, each in their own way. But every man and woman who survives will come back with one thing in common: They will have seen the horror of combat and lived to fight another day. Historically, commanders have called this the "blooding" of a force, a term that deliberately mixes the metaphors of first combat and first sexual experience. Veteran commanders consider any unit that has not been blooded to be unreliable and untested, because even the most disciplined and well-trained soldiers can react unpredictably to the horrors of combat. From inclement weather to faulty radios and impenetrable dust storms, the fog and friction of war make even the simplest things—like driving 50 miles in a straight line through the desert—complicated. The finer points of military planning sometimes get lost at the lowest levels of command, but as long as leaders learn to do the things that matter most, the mission still usually gets accomplished. And it is during war that officers learn those things they must do in order to be successful: Issue clear battle plans; conduct rehearsals; perform pre-combat checks and then have someone else perform them a second time; ensure soldiers' weapons are clean and that they have enough ammunition; know the casualty evacuation plan. In short, combat teaches soldiers and commanders alike what matters and what's chickenshit.

Today, a larger portion of the Army and Marines has seen combat than at any time since the immediate aftermath of Vietnam. Some units, such as the Army's elite Ranger battalions, have repeatedly deployed to several different theaters of war in the three years since September 11. Before these units saw combat, commentators, politicians and commanders could say they were the best-trained force in the world, but no one really knew for sure. Now that they have a combat tour—or two or three—under their belts, these troops can rightly stake their claim to combat readiness. They know what matters in combat for mission accomplishment, and for survival. So do their leaders. The best lieutenants today will be generals tomorrow, and long after enlisted soldiers depart for civilian life, these officers' experience with asymmetric warfare will shape how the Army organizes, fights, and deploys.

It's true that, when they come home, the Army's veterans will need months off to rest, reacquaint themselves with their families, and have a few beers. When redeployment looms on the horizon, commanders must put their unit back into fighting shape: repairing equipment, replacing casualties, rotating old and new soldiers through the unit, and retraining for expected mission tasks. But past combat experience will have left them sharper and readier than before. Should they be called for duty in North Korea, the Sudan, or even another tour through Iraq, they will know what matters and what doesn't. They'll need less time to train for new missions. And when the first bullets fly on their next deployment, these soldiers' valor will be bolstered by experience.

Coasting guard

The reserves will also benefit from the experience of Iraq. For the moment, of course, the reservists remain as overstretched as active duty forces. Since September 11, U.S. reservists have done more duty than at any time since the first Gulf War. The Guard and Reserves clocked about 63 million duty-days in 2003, five times as many as were typically put in during the late 1990s. Reservists comprise about 40 percent of the American troops now in Iraq, with that ratio scheduled to grow over the next few troop rotations—in part because many of the specialties in highest demand, such as civil affairs, intelligence, and military police, are "stored" primarily in the reserves. (That term encompasses both the Army Reserve, which is comprised chiefly of non-combat support troops, and the National Guard, which is divided equally between combat and support units.) Indeed, many reservists with much-needed specialties have been called up more than once since September 11, with deployment tempos approaching those of soldiers who signed up for active-duty service.

All this has been hard on reservists' families, who probably never expected them to be away so often, and on their communities, for whom every reservist called up for duty is a police officer, fireman, or employee who won't be showing up to work for at least six months and who cannot be replaced in the meantime. (Federal law strictly prohibits public and private employers from taking adverse action against deployed reservist employees—although the Department of Labor still logged some 2,500 complaints in 2002 and 2003 from reservists who came home to employment problems.) And the massive call-up of reservists has also exposed major deficiencies in training, equipment, and personnel. But in doing so, the Iraq war has forced the Pentagon to acknowledge and confront these chronic problems for the first time in more than a decade. Much as a weight-lifter might emerge stronger from the gym after a tough workout, a net assessment of the reserves reveals that they have emerged tougher and more combat-ready from the Iraq and Afghanistan operations than they were before.

For example, since September 11, a sizable number of Army reservists have earned the right to wear their unit patch on their right shoulder—the mark of a combat veteran. Such experience does even more for the reservists' readiness than

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it does for their active-duty counterparts. Active-duty troops, after all, train frequently when not actually in combat. Reservists train only 39 days per year during peacetime, and they often go years between major exercises like those conducted at the National Training Center. Lt. Gen. James Helmly, chief of the Army Reserve, has announced that every reservist can now expect to deploy one out of every five years. This will exact a toll from the troops concerned, and from their families and employers. But in the long run, it will help these units by laying a foundation of real operational experience. Most importantly, it gives those units' officers crucial leadership experience which they would otherwise might never obtain on their way up the ranks. It's hard to raise young lieutenants to be effective captains and colonels with just 39 days of training a year. The regular experience of deployment—for combat, peacekeeping or homeland security—introduces a much-needed element of natural selection into the reserves' promotion ladder, making it more likely that those selected for advancement have the experience to warrant it.

Despite dire predictions about recruiting and retention, the Army Reserve has largely met both sets of targets since 2001, even with the extremely high operational tempo. If anything, today's deployment pace has been a reality check for prospective recruits and those already in uniform; they now know that joining or reenlisting is not a good idea if you're hoping to avoid deployment overseas. Over the short term, the reserves will suffer shortfalls as some soldiers who've been dispatched to Iraq choose not to reenlist. But over the next five years, the Army predicts that the ranks of the reserves will actually swell—because the many active-duty soldiers who choose to leave after Iraq tours will still owe the Army between two and six years of reserve duty. (Most will choose to serve this in the Individual Ready Reserve as inactive reservists, still subject to recall in an emergency.) In the long term, if predictions hold, the reserves will absorb many thousands of troops who choose not to re-enlist for active duty, giving the reserve force a bumper crop of seasoned soldiers with extensive training and combat experience.

Quantity matters, but Iraq may also be forcing the reserves to improve the quality of their average soldier, too. For years, the reserves have been plagued with "deadweight" personnel: thousands of soldiers still on the roster despite poor health, an inability to complete required military training, lack of potential for promotion, or criminal convictions for domestic violence (which under federal law prevents them being issued weapons). Lax oversight has allowed such reservists to be carried as deployable soldiers on unit readiness reports, furthering the illusion that a unit is at full strength when in reality it can only muster a fraction of its force for duty if called. This became abundantly clear last year, when the Army tried to mobilize large reserve units for combat in Iraq. During earlier, smaller-scale deployments, like those to the Balkans, units could play a personnel shell game, moving dead weight soldiers around and replacing them with good ones. That didn't work with last year's mass mobilizations, which meant that large numbers of allegedly deployable soldiers reported for duty suffering from such maladies such as rotting teeth, amputated limbs, and severe obesity. At Fort Stewart, Ga., so many unfit soldiers were detected during pre-deployment screening that there weren't enough military doctors around to treat them all; the backlog left hundreds of reservists sitting around, waiting for medical care (and someone to decide whether or not they should be sent out to fight or sent home with a discharge). Media reports described this as an example of command failure; Fort Stewart, the press charged, had failed to take good care of soldiers. But the real problem was poor leadership in the reserves , whose officers had allowed these reservists to stay on duty even though they were no longer physically fit for service.

Calling up large numbers of reserve units for Iraq has forced the Army to make sure those troops are ready for duty. During the Cold War, America's military reserves became fat and bloated because they never had to deploy anywhere or do anything; they could afford dead weight—literally and figuratively—because there was little chance they would actually have to fight. The National Guard, technically the modern-day equivalent of state militias, came to see its main mission as domestic disaster and riot response; the Army Reserve focused on support for pre-scheduled military exercises. World War III always loomed in the background, but no one gave much thought to the prospect of regular combat missions overseas like those being handled today by the reserves. Now, they cannot avoid it: The prospect of quick deployment to a hot combat zone like Iraq has made readiness a matter of life or death for reserve commanders. Units have trimmed their ranks, getting rid of those who can't cut it. The post-Iraq reserves are not only blooded, but also much leaner and meaner than they were before the war.

In addition to improving their personnel structure, the reserves have also been forced to get serious about their equipment. Today's reserve units typically drive trucks older than most of their soldiers and operate radios so ancient that they cannot be used for secure communication with active-duty units. During the war, most of them lacked the kind of survival equipment that is standard among active-duty troops, such as GPS equipment and Kevlar body armor. As more reservists began to die because they had second-rate body armor, the Pentagon belatedly swung into action, buying Kevlar protection for every soldier and Defense Department employee in Iraq. Logistics specialists moved mountains of equipment to the Gulf in order to outfit reserve and active units with as much of the latest gear as possible, significantly upgrading the chronically under-equipped reserves in the process. Reserve units have also gotten access to spare parts and a level of maintenance support unseen in peacetime, enabling them to bring some of their older vehicles up to fighting trim. The reservists will have to leave a lot of this gear behind when they leave Iraq, or return it to the pre-positioned stocks from whence it came. But even if they go home empty-handed, these reserve units have identified their equipment shortfalls. And perhaps more importantly, the Army now knows what happens when

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you deploy reservists with old equipment: Combat operations get screwed up, and people get killed. So, the Army has started allocating money to upgrade the reserves' gear, based on knowledge from Iraq about what they'll need for the next fight.

Fight in force

But for all the innovations and updates of the military's operational capability, perhaps the most important changes have taken place at the top, as the most senior uniformed commanders have begun to reevaluate their plans for their services' next generation. In journal articles, at symposia, and on e-mail lists, these officers have begun to describe a post-Iraq doctrine for when, how, and why the United States should to go war. After their experience at the hands of civilian ideologues at the Pentagon, some have begun to argue fervently that the United States should only use force when clearly required by the national interest, and only where the parameters for victory are clearly defined so as to create a natural exit strategy. If that sounds familiar, it should. In essence, these officers are advocating a renewed emphasis on the Powell Doctrine, and all that it signaled for the exercise of U.S. military might abroad.

The Powell Doctrine, of course, was developed by former chairman of the Joint Chiefs of Staff and current Secretary of State Colin Powell. Influenced by the experience of Powell's generation in Vietnam and later by military thinkers in the Reagan administration, the Powell Doctrine holds that America should only go to war to defend her vital interests—and then only in those circumstances, as Powell wrote in *Foreign Affairs* in 1992, "[w]hen the political objective is important, clearly defined and understood." Defining the objective was paramount, the Powell Doctrine held, because it also defined the conditions for victory—and ultimately, for a military exit.

When Powell chaired the Joint Chiefs of Staff in the early 1990s, this doctrine was virtual law—sometimes, it must be noted, to the detriment of good policy. During the first years of the Clinton administration, Pentagon generals resisted White House plans to deploy troops to Bosnia because such a mission didn't fit with Powell's insistence on a clear exit strategy. They were right about the exit strategy—we're still in Bosnia today—but wrong on substance, as the relative peace that reigns in the Balkans would be unimaginable without the presence of U.S. soldiers, deployed there after Powell retired in 1993.

But by the time Powell returned to power as this President Bush's secretary of state, his ideas were less influential, and flatly rejected by the neoconservatives who dominated White House national security decision-making after September 11. White House officials offered an ever-shifting array of rationales for invading Iraq, the most important and Powellesque of which—Saddam's alleged possession of weapons of mass destruction—has since proven bogus. Moreover, Pentagon planners ignored what would prove to be the most prescient part of Powell's doctrine: always send in enough troops to do the job. Ever since the Iraq war began, American troops have been relearning the lesson they should have taken home from the engagements in Mogadishu and Port-au-Prince: America's high-tech, highly mobile military can scatter nearly any enemy. But it's not so easy to win the peace. Every war the United States has fought since Vietnam has required more troops for peacekeeping than for fighting. And the initial deployment of a too-small ground force to Iraq has forced the Army to play catch-up ever since.

Hence, the part of Powell's original doctrine that resonates most strongly with today's officers is his insistence on "decisive means and results"—that is, overwhelming force at the beginning of a conflict. "We should always be skeptical when so-called experts suggest that all a particular crisis calls for is a little surgical bombing or a limited attack," Powell wrote in *Foreign Affairs*. "When the 'surgery' is over and the desired result is not obtained, a new set of experts then comes forward with talk of just a little escalation—more bombs, more men and women, more force. History has not been kind to this approach to war-making." The last 17 months have revealed that this approach doesn't work for peace-making, either. As today's lieutenants and captains mature into tomorrow's colonels and generals, their advice to civilian leaders will reflect their experience in the Iraqi desert. And while it is right and necessary that those leaders should have the final say over when and why to deploy our military—after all, sometimes the brass is wrong, or too risk-averse—in the future, one can only hope that when a U.S. president does decide to go to war, he or she listens to the uniformed officers, who know what it takes to win.

Time again

Some years from now, the bulk of our forces now in Iraq will leave, and begin to rebuild themselves for the next war. That war may look like the one fought in Iraq, with major combat operations followed by protracted and bloody peacemaking. But America's soldiers and Marines might find themselves distributing humanitarian aid in North Korea or the Sudan. Or worse yet, the next battle might be fought here on U.S. soil, against a terrorist enemy using weapons of mass destruction requiring a massive military response of the kind only seen in Hollywood movies. The lessons of Iraq will matter then—because in many ways, the lessons of Iraq are timeless.

In 1759, Major Robert Rogers issued a set of standing orders to his Rangers fighting the French and Indian War on behalf of the English crown: "Have your musket clean as a whistle, hatchet scoured, sixty rounds powder and ball, and be ready to march at a minute's warning" and "Don't ever march the same way. Take a different route so you won't be ambushed." And especially, "Don't ever take a chance you don't have to." Warfare has changed a great deal over the intervening two-plus centuries. But Rogers was right then—and still is. ◆

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Break Up This Band!

How government protects big media — and shuts out upstarts like me.

By Ted Turner

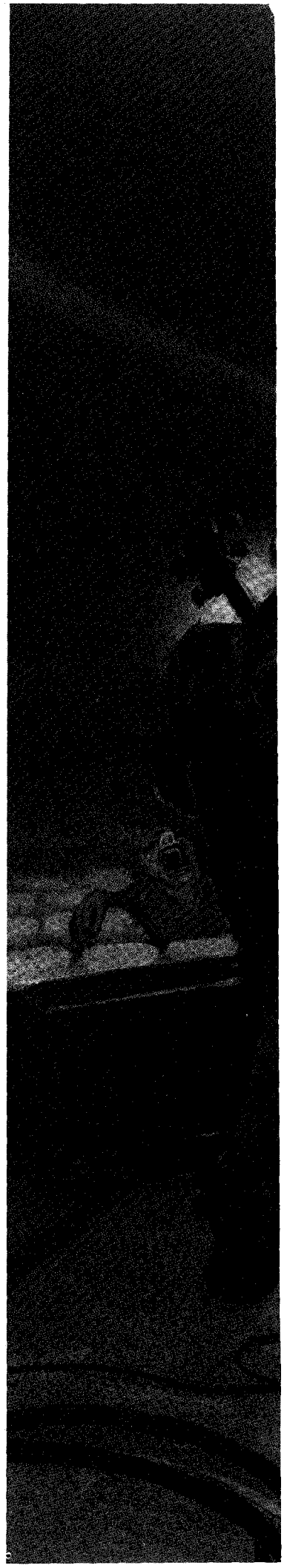
In the late 1960s, when Turner Communications was a business of billboards and radio stations and I was spending much of my energy ocean racing, a UHF-TV station came up for sale in Atlanta. It was losing $50,000 a month and its programs were viewed by fewer than 5 percent of the market.

I acquired it.

When I moved to buy a second station in Charlotte—this one worse than the first—my accountant quit in protest, and the company's board vetoed the deal. So I mortgaged my house and bought it myself. The Atlanta purchase turned into the Superstation; the Charlotte purchase—when I sold it 10 years later—gave me the capital to launch CNN.

Both purchases played a role in revolutionizing television. Both required a streak of independence and a taste for risk. And neither could happen today. In the current climate of consolidation, independent broadcasters simply don't survive for long. That's why we haven't seen a new generation of people like me or even Rupert Murdoch—independent television upstarts who challenge the big boys and force the whole industry to compete and change.

Ted Turner is founder of CNN and chairman of Turner Enterprises.



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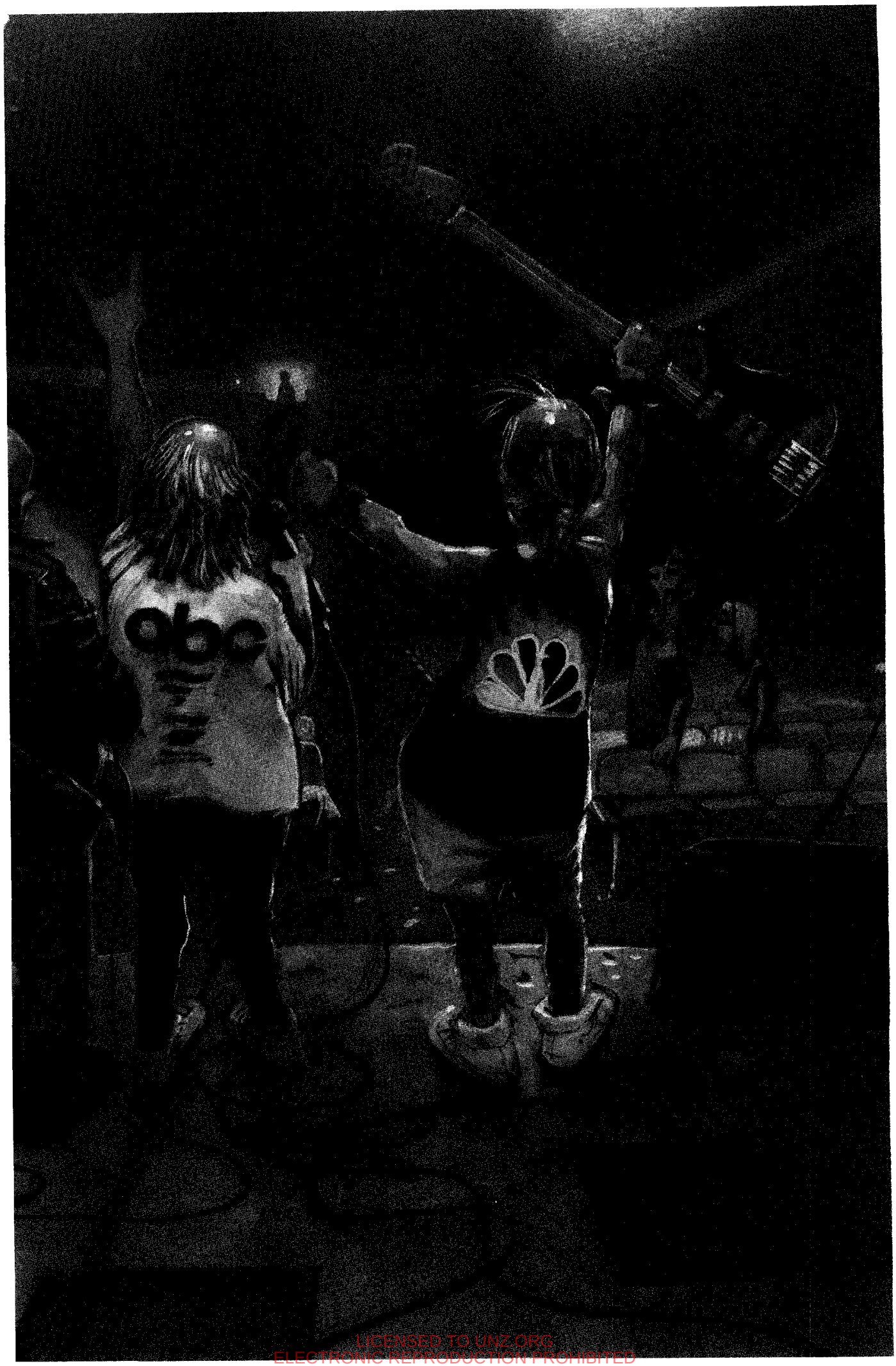

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It's not that there aren't entrepreneurs eager to make their names and fortunes in broadcasting if given the chance. If nothing else, the 1990s dot-com boom showed that the spirit of entrepreneurship is alive and well in America, with plenty of investors willing to put real money into new media ventures. The difference is that Washington has changed the rules of the game. When I was getting into the television business, lawmakers and the Federal Communications Commission (FCC) took seriously the commission's mandate to promote diversity, localism, and competition in the media marketplace. They wanted to make sure that the big, established networks—CBS, ABC, NBC—wouldn't forever dominate what the American public could watch on TV. They wanted independent producers to thrive. They wanted more people to be able to own TV stations. They believed in the value of competition.

So when the FCC received a glut of applications for new television stations after World War II, the agency set aside dozens of channels on the new UHF spectrum so independents could get a foothold in television. That helped me get my start 35 years ago. Congress also passed a law in 1962 requiring that TVs be equipped to receive both UHF and VHF channels. That's how I was able to compete as a UHF station, although it was never easy. (I used to tell potential advertisers that our UHF viewers were smarter than the rest, because you had to be a genius just to figure out how to tune us in.) And in 1972, the FCC ruled that cable TV operators could import distant signals. That's how we were able to beam our Atlanta station to homes throughout the South. Five years later, with the help of an RCA satellite, we were sending our signal across the nation, and the Superstation was born.

That was then.

Today, media companies are more concentrated than at any time over the past 40 years, thanks to a continual loosening of ownership rules by Washington. The media giants now own not only broadcast networks and local stations; they also own the cable companies that pipe in the signals of their competitors and the studios that produce most of the programming. To get a flavor of how consolidated the industry has become, consider this: In 1990, the major broadcast networks—ABC, CBS, NBC, and Fox—fully or partially owned just 12.5 percent of the new series they aired. By 2000, it was 56.3 percent. Just two years later, it had surged to 77.5 percent.

In this environment, most independent media firms either get gobbled up by one of the big companies or driven out of business altogether. Yet instead of balancing the rules to give independent broadcasters a fair chance in the market, Washington continues to tilt the playing field to favor the biggest players. Last summer, the FCC passed another round of sweeping pro-consolidation rules that, among other things, further raised the cap on the number of TV stations a company can own.

In the media, as in any industry, big corporations play a vital role, but so do small, emerging ones. When you lose small businesses, you lose big ideas. People who own their own businesses are their own bosses. They are independent thinkers. They know they can't compete by imitating the big guys—they have to innovate, so they're less obsessed with earnings than they are with ideas. They are quicker to seize on new technologies and new product ideas. They steal market share from the big companies, spurring them to adopt new approaches. This process promotes competition, which leads to higher product and service quality, more jobs, and greater wealth. It's called capitalism.

But without the proper rules, healthy capitalist markets turn into sluggish oligopolies, and that is what's happening in media today. Large corporations are more profit-focused and risk-averse. They often kill local programming because it's expensive, and they push national programming because it's cheap—even if their decisions run counter to local interests and community values. Their managers are more averse to innovation because they're afraid of being fired for an idea that fails. They prefer to sit on the sidelines, waiting to buy the businesses of the risk-takers who succeed.

Unless we have a climate that will allow more independent media companies to survive, a dangerously high percentage of what we see—and what we don't see—will be shaped by the profit motives and political interests of large, publicly traded conglomerates. The economy will suffer, and so will the quality of our public life.

Let me be clear: As a business proposition, consolidation makes sense. The moguls behind the mergers are acting in their corporate interests and playing by the rules. We just shouldn't have those rules. They make sense for a corporation. But for a society, it's like over-fishing the oceans. When the independent businesses are gone, where will the new ideas come from? We have to do more than keep media giants from growing larger; they're already too big. We need a new set of rules that will break these huge companies to pieces.

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The big squeeze

In the 1970s, I became convinced that a 24-hour all-news network could make money, and perhaps even change the world. But when I invited two large media corporations to invest in the launch of CNN, they turned me down. I couldn't believe it. Together we could have launched the network for a fraction of what it would have taken me alone; they had all the infrastructure, contacts, experience, knowledge. When no one would go in with me, I risked my personal wealth to start CNN.

Soon after our launch in 1980, our expenses were twice what we had expected and revenues half what we had projected. Our losses were so high that our loans were called in. I refinanced at 18 percent interest, up from 9, and stayed just a step ahead of the bankers. Eventually, we not only became profitable, but also changed the nature of news—from watching something that happened to watching it *as* it happened.

But even as CNN was getting its start, the climate for independent broadcasting was turning hostile. This trend began in 1984, when the FCC raised the number of stations a single entity could own from seven—where it had been capped since the 1950s—to 12. A year later, it revised its rule again, adding a national audience-reach cap of 25 percent to the 12 station limit—meaning media companies were prohibited from owning TV stations that together reached more than 25 percent of the national audience. In 1996, the FCC did away with numerical caps altogether and raised the audience-reach cap to 35 percent. This wasn't necessarily bad for Turner Broadcasting; we had already achieved scale. But seeing these rules changed was like watching someone knock down the ladder I had already climbed.

Without the proper rules, healthy capitalist markets turn into sluggish oligopolies, and that is what's happening in media today. When the independent businesses are gone, where will the new ideas come from?

Meanwhile, the forces of consolidation focused their attention on another rule, one that restricted ownership of content. Throughout the 1980s, network lobbyists worked to overturn the so-called Financial Interest and Syndication Rules, or fin-syn, which had been put in place in 1970, after federal officials became alarmed at the networks' growing control over programming. As the FCC wrote in the fin-syn decision: "The power to determine form and content rests only in the three networks and is exercised extensively and exclusively by them, hourly and daily." In 1957, the commission pointed out, independent companies had produced a third of all network shows; by 1968, that number had dropped to 4 percent. The rules essentially forbade networks from profiting from reselling programs that they had already aired.

This had the result of forcing networks to sell off their syndication arms, as CBS did with Viacom in 1973. Once networks no longer produced their own content, new competition was launched, creating fresh opportunities for independents.

For a time, Hollywood and its production studios were politically strong enough to keep the fin-syn rules in place. But by the early 1990s, the networks began arguing that their dominance had been undercut by the rise of independent broadcasters, cable networks, and even videocassettes, which they claimed gave viewers enough choice to make fin-syn unnecessary. The FCC ultimately agreed—and suddenly the broadcast networks could tell independent production studios, "We won't air it unless we own it." The networks then bought up the weakened studios or were bought out by their own syndication arms, the way Viacom turned the tables on CBS, buying the network in 2000. This silenced the major political opponents of consolidation.

Even before the repeal of fin-syn, I could see that the trend toward consolidation spelled trouble for independents like me. In a climate of consolidation, there would be only one sure way to win: bring a broadcast network, production studios, and cable and satellite systems under one roof. If you didn't have it inside, you'd have to get it outside—and that meant, increasingly, from a large corporation that was competing with you. It's difficult to survive when your suppliers are owned by your competitors. I had tried and failed to buy a major broadcast network, but the repeal of fin-syn turned up the pressure. Since I couldn't buy a network, I bought MGM to bring more content in-house, and I kept looking for other ways to gain scale. In the end, I found the only way to stay competitive was to merge with Time Warner and relinquish control of my companies.

Today, the only way for media companies to survive is to own everything up and down the media chain—from broadcast and cable networks to the sitcoms, movies, and news broadcasts you see on those stations; to the production studios that make them; to the cable, satellite, and broadcast systems that bring the programs to your tele-

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vision set; to the Web sites you visit to read about those programs; to the way you log on to the Internet to view those pages. Big media today wants to own the faucet, pipeline, water, and the reservoir. The rain clouds come next.

Supersizing networks

Throughout the 1990s, media mergers were celebrated in the press and otherwise seemingly ignored by the American public. So, it was easy to assume that media consolidation was neither controversial nor problematic. But then a funny thing happened.

In the summer of 2003, the FCC raised the national audience-reach cap from 35 percent to 45 percent. The FCC also allowed corporations to own a newspaper and a TV station in the same market and permitted corporations to own three TV stations in the largest markets, up from two, and two stations in medium-sized markets, up from one. Unexpectedly, the public rebelled. Hundreds of thousands of citizens complained to the FCC. Groups from the National Organization for Women to the National Rifle Association demanded that Congress reverse the ruling. And like-minded lawmakers, including many long-time opponents of media consolidation, took action, pushing the cap back down to 35, until—under strong White House pressure—it was revised back up to 39 percent. This June, the U.S. Court of Appeals for the Third Circuit threw out the rules that would have allowed corporations to own more television and radio stations in a single market, let stand the higher 39 percent cap, and also upheld the rule permitting a corporation to own a TV station and a newspaper in the same market; then, it sent the issues back to the same FCC that had pushed through the pro-consolidation rules in the first place.

We have to do more than keep media giants from growing larger—they're already too big. We need a new set of rules that will break these huge companies to pieces.

In reaching its 2003 decision, the FCC did not argue that its policies would advance its core objectives of diversity, competition, and localism. Instead, it justified its decision by saying that there was already a lot of diversity, competition, and localism in the media—so it wouldn't hurt if the rules were changed to allow more consolidation.

Their decision reads: "Our current rules inadequately account for the competitive presence of cable, ignore the diversity-enhancing value of the Internet, and lack any sound bases for a national audience reach cap." Let's pick that assertion apart.

First, the "competitive presence of cable" is a mirage. Broadcast networks have for years pointed to their loss of prime-time viewers to cable networks—but they are losing viewers to cable networks that they themselves own. Ninety percent of the top 50 cable TV stations are owned by the same parent companies that own the broadcast networks. Yes, Disney's ABC network has lost viewers to cable networks. But it's losing viewers to cable networks like Disney's ESPN, Disney's ESPN2, and Disney's Disney Channel. The media giants are getting a deal from Congress and the FCC because their broadcast networks are losing share to their own cable networks. It's a scam.

Second, the decision cites the "diversity-enhancing value of the Internet." The FCC is confusing diversity with variety. The top 20 Internet news sites are owned by the same media conglomerates that control the broadcast and cable networks. Sure, a hundred-person choir gives you a choice of voices, but they're all singing the same song.

The FCC says that we have more media choices than ever before. But only a few corporations decide what we can choose. That is not choice. That's like a dictator deciding what candidates are allowed to stand for parliamentary elections, and then claiming that the people choose their leaders. Different voices do not mean different viewpoints, and these huge corporations all have the same viewpoint—they want to shape government policy in a way that helps them maximize profits, drive out competition, and keep getting bigger.

Because the new technologies have not fundamentally changed the market, it's wrong for the FCC to say that there are no "sound bases for a national audience-reach cap." The rationale for such a cap is the same as it has always been. If there is a limit to the number of TV stations a corporation can own, then the chance exists that after all the corporations have reached this limit, there may still be some stations left over to be bought and run by independents. A lower limit would encourage the entry of independents and promote competition. A higher limit does the opposite.

Triple blight

The loss of independent operators hurts both the media business and its citizen-customers. When the own-

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ership of these firms passes to people under pressure to show quick financial results in order to justify the purchase, the corporate emphasis instantly shifts from taking risks to taking profits. When that happens, quality suffers, localism suffers, and democracy itself suffers.

Loss of Quality

The Forbes list of the 400 richest Americans exerts a negative influence on society, because it discourages people who want to climb up the list from giving more money to charity. The Nielsen ratings are dangerous in a similar way—because they scare companies away from good shows that don't produce immediate blockbuster ratings. The producer Norman Lear once asked, "You know what ruined television?" His answer: when *The New York Times* began publishing the Nielsen ratings. "That list every week became all anyone cared about."

When all companies are quarterly earnings-obsessed, the market starts punishing companies that aren't yielding an instant return. This not only creates a big incentive for bogus accounting, but also it inhibits the kind of investment that builds economic value. America used to know this. We used to be a nation of farmers. You can't plant something today and harvest tomorrow. Had Turner Communications been required to show earnings growth every quarter, we never would have purchased those first two TV stations.

When CNN reported to me, if we needed more money for Kosovo or Baghdad, we'd find it. If we had to bust the budget, we busted the budget. We put journalism first, and that's how we built CNN into something the world wanted to watch. I had the power to make these budget decisions because they were my companies. I was an independent entrepreneur who controlled the majority of the votes and could run my company for the long term. Top managers in these huge media conglomerates run their companies for the short term. After we sold Turner Broadcasting to Time Warner, we came under such earnings pressure that we had to cut our promotion budget every year at CNN to make our numbers. Media mega-mergers inevitably lead to an overemphasis on short-term earnings.

You can see this overemphasis in the spread of reality television. Shows like "Fear Factor" cost little to produce—there are no actors to pay and no sets to maintain—and they get big ratings. Thus, American television has moved away from expensive sitcoms and on to cheap thrills. We've gone from "Father Knows Best" to "Who Wants to Marry My Dad?", and from "My Three Sons" to "My Big Fat Obnoxious Fiance."

The story of Grant Tinker and Mary Tyler Moore's production studio, MTM, helps illustrate the point. When the company was founded in 1969, Tinker and Moore hired the best writers they could find and then left them alone—and were rewarded with some of the best shows of the 1970s. But eventually, MTM was bought by a company that imposed budget ceilings and laid off employees. That company was later purchased by Rev. Pat Robertson; then, he was bought out by Fox. Exit "The Mary Tyler Moore Show." Enter "The Littlest Groom."

Loss of localism

Consolidation has also meant a decline in the local focus of both news and programming. After analyzing 23,000 stories on 172 news programs over five years, the Project for Excellence in Journalism found that big media news organizations relied more on syndicated feeds and were more likely to air national stories with no local connection.

That's not surprising. Local coverage is expensive, and thus will tend be a casualty in the quest for short-term earnings. In 2002, Fox Television bought Chicago's Channel 50 and eliminated all of the station's locally produced shows. One of the cancelled programs (which targeted pre-teens) had scored a perfect rating for educational content in a 1999 University of Pennsylvania study, according to *The Chicago Tribune*. That accolade wasn't enough to save the program. Once the station's ownership changed, so did its mission and programming.

Loss of localism also undercuts the public-service mission of the media, and this can have dangerous consequences. In early 2002, when a freight train derailed near Minot, N.D., releasing a cloud of anhydrous ammonia over the town, police tried to call local radio stations, six of which are owned by radio mammoth Clear Channel Communications. According to news reports, it took them over an hour to reach anyone—no one was answering the Clear Channel phone. By the next day, 300 people had been hospitalized, many partially blinded by the ammonia. Pets and livestock died. And Clear Channel continued beaming its signal from headquarters in San Antonio, Texas—some 1,600 miles away.

Loss of democratic debate

When media companies dominate their markets, it undercuts our democracy. Justice Hugo Black, in a landmark media-ownership case in 1945, wrote: "The First Amendment rests on the assumption that the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public."

These big companies are not antagonistic; they do billions of dollars in business with each other. They don't compete; they cooperate to inhibit competition. You and I have both felt the impact. I felt it in 1981, when CBS, NBC, and ABC all came together to try to keep CNN from covering the White House. You've felt the impact over the past two years, as you saw little news from ABC, CBS, NBC, MSNBC, Fox, or CNN on the FCC's actions. In early 2003, the Pew Research Center found that 72 percent of Americans had heard "nothing at all" about the proposed FCC rule changes. Why?

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One never knows for sure, but it must have been clear to news directors that the more they covered this issue, the harder it would be for their corporate bosses to get the policy result they wanted.

A few media conglomerates now exercise a near-monopoly over television news. There is always a risk that news organizations can emphasize or ignore stories to serve their corporate purpose. But the risk is far greater when there are no independent competitors to air the side of the story the corporation wants to ignore.

More consolidation has often meant more news-sharing. But closing bureaus and downsizing staff have more than economic consequences. A smaller press is less capable of holding our leaders accountable. When Viacom merged two news stations it owned in Los Angeles, reports *The American Journalism Review*, "field reporters began carrying microphones labeled KCBS on one side and KCAL on the other." This was no accident. As the Viacom executive in charge told *The Los Angeles Business Journal*: "In this duopoly, we should be able to control the news in the marketplace."

This ability to control the news is especially worrisome when a large media organization is itself the subject of a news story. Disney's boss, after buying ABC in 1995, was quoted in *LA Weekly* as saying, "I would prefer ABC not cover Disney." A few days later, ABC killed a "20/20" story critical of the parent company.

But networks have also been compromised when it comes to non-news programs which involve their corporate parent's business interests. General Electric subsidiary NBC Sports raised eyebrows by apologizing to the Chinese government for Bob Costas's reference to China's "problems with human rights" during a telecast of the Atlanta Olympic Games. China, of course, is a huge market for GE products.

Consolidation has given big media companies new power over what is said not just on the air, but off it as well. Cumulus Media banned the Dixie Chicks on its 42 country music stations for 30 days after lead singer Natalie Maines criticized President Bush for the war in Iraq. It's hard to imagine Cumulus would have been so bold if its listeners had more of a choice in country music stations. And Disney recently provoked an uproar when it prevented its subsidiary Miramax from distributing Michael Moore's film *Fahrenheit 9/11*. As a senior Disney executive told *The New York Times*: "It's not in the interest of any major corporation to be dragged into a highly charged partisan political battle." Follow the logic, and you can see what lies ahead: If the only media companies are major corporations, controversial and dissenting views may not be aired at all.

Naturally, corporations say they would never suppress speech. But it's not their intentions that matter; it's their capabilities. Consolidation gives them more power to tilt the news and cut important ideas out of the public debate. And it's precisely that power that the rules should prevent.

Independents' day

This is a fight about freedom—the freedom of independent entrepreneurs to start and run a media business, and the freedom of citizens to get news, information, and entertainment from a wide variety of sources, at least some of which are truly independent and not run by people facing the pressure of quarterly earnings reports.

No one should underestimate the danger. Big media companies want to eliminate all ownership limits. With the removal of these limits, immense media power will pass into the hands of a very few corporations and individuals.

What will programming be like when it's produced for no other purpose than profit? What will news be like when there are no independent news organizations to go after stories the big corporations avoid? Who really wants to find out?

Safeguarding the welfare of the public cannot be the first concern of a large publicly traded media company. Its job is to seek profits. But if the government writes the rules in a way that encourages the entry into the market of entrepreneurs—men and women with big dreams, new ideas, and a willingness to take long-term risks—the economy will be stronger, and the country will be better off.

I freely admit: When I was in the media business, especially after the federal government changed the rules to favor large companies, I tried to sweep the board, and I came within one move of owning every link up and down the media chain. Yet I felt then, as I do now, that the government was not doing its job. The role of the government ought to be like the role of a referee in boxing, keeping the big guys from killing the little guys. If the little guy gets knocked down, the referee should send the big guy to his corner, count the little guy out, and then help him back up. But today the government has cast down its duty, and media competition is less like boxing and more like professional wrestling: The wrestler and the referee are both kicking the guy on the canvas.

At this late stage, media companies have grown so large and powerful, and their dominance has become so detrimental to the survival of small, emerging companies, that there remains only one alternative: bust up the big conglomerates. We've done this before: to the railroad trusts in the first part of the 20th century, to Ma Bell more recently. Indeed, big media itself was cut down to size in the 1970s, and a period of staggering innovation and growth followed. Breaking up the reconstituted media conglomerates may seem like an impossible task when their grip on the policy-making process in Washington seems so sure. But the public's broad and bipartisan rebellion against the FCC's pro-consolidation decisions suggests something different. Politically, big media may again be on the wrong side of history—and up against a country unwilling to lose its independents. ◆

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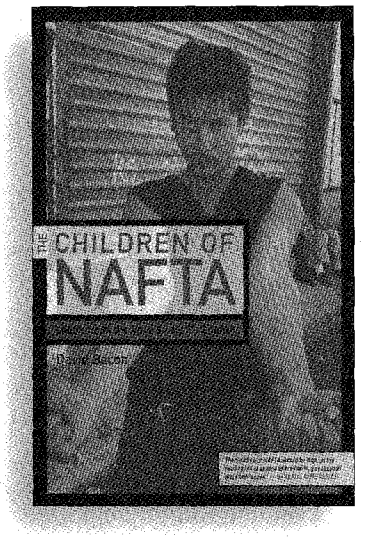

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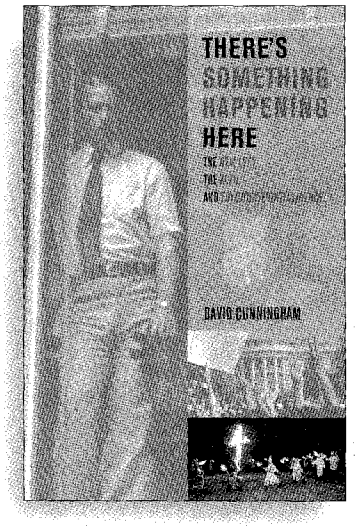

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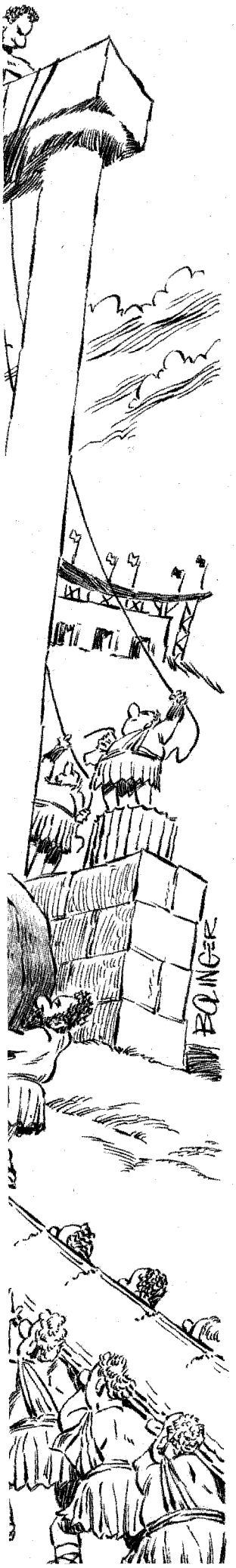

Movable Feat

The insanity of relocating the Olympics every four years.

By Christina Larson

Illustration by Bruce Bollinger

In late March, I found myself among a busload of foreign journalists in Athens looking for something interesting to write about the upcoming Olympics. Each time we passed a bulldozer shoveling dirt or a crew with jackhammers stirring dust at one of the city's many construction sites, we'd all crane our necks and scribble notes. One British photographer pressed his camera lens against the window and snapped a round of photos as we caught a glimpse of the cranes still suspending the dramatic arching steel beams of the unfinished roof of the main Olympic stadium. An American reporter asked if the Brit would sell some of his photos to her newspaper. Her editor, she explained, was looking for the same story—documenting the construction delays. At night in the Athens hotel, reporters frantically compared notes about which projects were most behind as they raced to meet their filing deadlines.

Christina Larson is the managing editor of *The Washington Monthly.*

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Every big news story develops a narrative, an agreed-upon dramatic arc that daily journalists attempt to advance. In the lead-up to this summer's games, the consensus story line has been: Will Athens be ready? This theme took shape because Greece was, indeed, appallingly slow to initiate the hundreds of infrastructure projects that will be necessary to host the games—from building the massive Olympic aquatic center to widening the ancient marathon route between Marathon and Athens. Greece had also been dogged by "November 17," a dangerous home-grown terrorist organization, which the country's security forces busted only in 2002.

But in recent months, the Greeks have done a reasonable job of catching up. Greece is now spending at least three times what Australia paid for security during the Sydney Olympics in 2000, and has involved NATO forces in the effort. And the vast majority of building projects are now virtually complete—sans, perhaps, certain nice-but-not-strictly-necessary adornments, like monuments outside the stadiums and sod in the median strips. As one of the Olympic general secretaries, Costas Cartalis, told *BusinessWeek*, "The issue is not construction anymore. The issue is putting together all the different bits and bytes."

Indeed, while many foreign journalists have wandered about Athens with stopwatches observing the concrete drying, few have focused on the one factor most likely to cause snafus during this summer's Olympics: inexperience. In these games, as in all previous modern Olympics, the vast majority of the staff who work the events—the bus drivers, the food vendors, the traffic cops, the military officers manning the security command centers—have never done this before. It is this lack of previous experience that has caused or contributed to the most famous problems that have befallen modern Olympic games, from lost bus drivers in Sydney to the failure to prevent a terrorist bombing in Atlanta.

The heart of the problem is that the Olympics—for no unassailable reason—alters its location every four years. With every change of venue, millions of staff-hours of know-how are lost. That's not how most other major sporting events are organized. Professional golf tournaments return to the same courses year after year, allowing the staffs there to learn from their mistakes. Same with tennis: The groundskeepers at Wimbledon have had decades to practice pulling out the rain tarps and emptying out the parking lots. Yet the Olympics tries to reinvent the wheel every time, fielding a new team of planners, contractors, accountants, technicians, security personnel, and volunteers every four years, and expecting them to execute myriad complex logistical tasks perfectly the first time out. As Atlanta's Olympic finance chief Pat Glisson explained to *CFO* magazine, her job was to "create a Fortune 500 company from scratch, then take it apart at the end."

Virgin sacrifices

The ancient Greeks who invented the Olympics would have shaken their heads at the traveling-circus style of the modern games. After all, they didn't hold the Olympics one year in Sparta, the next in Corinth, then in Delphi. For over a thousand years, the games took place in the same wooded sanctuary of Olympia, on the Peloponnesian peninsula. This set-up seemed to work fine. The extant classical texts contain no complaints of faulty Olympic crowd control, misplaced victory wreaths, or insufficient supplies of lamb kabobs. The Roman Emperor Theodosius put an end to the games in the 4th century A.D. not because he'd tired of traffic congestion or ill-behaving drunken helots, but because, as a Christian, he couldn't abide the thought of celebrated athletes parading in the buff and offering sacrifices to pagan gods.

The man who resurrected the Olympics 1,500 years later tweaked the ancient formula to include the idea that the games should migrate. Pierre de Coubertin, a 19th-century French aristocrat and pedagogue, set out to revive the competitions in 1894 with the high-minded political aim of fostering international goodwill, declaring "the Olympics are for the world." He organized the first modern Olympics in Athens in 1896, where primarily well-off college students and athletic club members from 14 nations competed in 10 sports. Although the Greeks afterwards made a play to keep the games at home permanently, de Coubertin made sure that the 1900 Olympics were held in his country, in Paris. Thus the tradition of moving the Olympics was born.

As the years went by, the Olympics grew larger and more unwieldy—with new events, additional countries, more athletes, and bigger crowds. At the same time, the International Olympic Committee (IOC), which oversees the competitions, came to view the quadrennial choosing of the next games site as a kind of entitlement, a chance to bestow recognition on a city or country deemed worthy. Sometimes the effect was ennobling: The 1920 Olympics went to Antwerp, largely out of respect for Belgium's losses during World War I. At other times, the results were less laudable. The 1936 Olympics in Berlin, for instance, gave Hitler ill-timed international recognition. Yet the tradition continued. The 1948 Olympics were held in London to honor the survival of a city badly battered by the blitz. The 1956 Olympics in Melbourne provided a celebratory spotlight for the Southern Hemisphere. The 1964 Olympics in Tokyo did the same for Asia.

Still, the urge to be geographically inclusive sometimes backfired. Months before the 1980 games in Moscow, the Soviet Union invaded Afghanistan. Unable to change the host city, Jimmy Carter leaned on U.S. athletes to withdraw

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from competition. Moscow retaliated by pressuring Warsaw Pact athletes to boycott the 1984 games in Los Angeles.

The 1984 Olympics were notable for another reason: Under the guidance of Peter Ueberroth and with substantial corporate sponsorship, they were the first to turn a profit for the host city. Suddenly, the prospect of hosting the Olympics seemed not only an honor, but also an economic growth strategy—feeding the idea that it is right and fair to move the games around. Over the past three decades, a subindustry of consultants and economic forecasters has worked with local chambers of commerce to perfect Olympic bids, urging municipalities to propose larger stadiums, and more lavish monuments, more extensive media facilities in order to beat the competition.

Alas, few cities have managed to repeat L.A.'s success: According to a 2002 audit, the government of New South Wales (the Australian state where Sydney is located) spent $2 billion Australian ($1.5 billion U.S.) to subsidize the 2000 Olympics, and has since taken in only a third that sum in tax revenue attributed to the games. In Sydney and elsewhere, some projects prompted by the Olympics—for example, improvements to roads and public transportation—may prove wise investments over the long haul. On the other hand, Olympic cities around the globe are now dotted with giant concrete stadiums and velodromes that sometimes strain for post-Olympic purpose.

Atlanta's Olympic finance chief said that her job was to "create a Fortune 500 company from scratch, then take it apart at the end."

When new monorails and state-of-the-art aquatic facilities aren't enough, cities have tried another means of winning bids: bribery. Before winning the 1996 games, Atlanta officials illegally offered free hospital services and college scholarships to IOC families. Salt Lake City officials were indicted by the Justice Department for spending over $1 million on sundry gifts to influence committee members. Sydney's Olympic bid president confessed to pledging a total of $70,000 in support of sporting programs in the countries of IOC members from Kenya and Uganda—and Sydney won the 2000 games by those two votes.

Aristotelian illogic

Aside from corruption and waste, the imperative of moving the Olympics every four years also leads to many of the headaches and delays that have befallen recent games. In my hometown of Atlanta, planners who understood Southern hospitality but had never hosted Olympics underestimated the strain on public transportation. Police officers had to stand at subway stations holding back the crowds because the trains were already full to capacity. Similar problems with packed transit plagued athletes in Atlanta's Olympic Village, not to mention the confusion of athletes and coaches themselves, few of whom had ever been to Atlanta or knew how to navigate our sprawling metropolis. That year, a defending heavyweight judo champion lost his crown after being barred from competition because he had gotten lost and consequently missed a mandatory weigh-in session.

During the first days of Atlanta's Olympics, the new computer system designed to post competition scores to reporters and broadcasters suffered a meltdown, in some cases feeding news agencies nonsensical information—for example, specifying the height of one boxer at under two feet and another at 21 feet—and in other cases giving none at all. A spokesman for IBM, which had built the flawed information system, pleaded first-time jitters, telling *The New York Times*, "These are start-up problems." BellSouth promised Atlanta organizers that its cellular phone system was ready for the Olympics, but on the day of opening ceremonies, its circuits were overwhelmed, and some spectators couldn't make or receive calls.

Moving the location of the games each cycle means that nearly all of the personnel, from accountants to bus drivers to security guards, are novices at hosting an Olympics. In Atlanta, a technician who flipped a wrong switch created a 12-minute blackout in the Georgia Dome just as basketball's American "Dream Team" was about to take the stage. More significantly, although a special Olympic "bomb management center" had been established within the police department, when a 911 call informed police of a pipe bomb in the city's Centennial Park, the center failed to alert officers in the park before the blast went off 30 minutes later. That explosion killed one person and injured 111 others. Atlanta Olympic chief Billy Payne promised CNN that organizers would learn from the experience, "Now that this incident has occurred, the security officials obviously will be recommending measures to take in light of a known situation." But those officials only got to learn from their mistake for the remaining days of Atlanta's games; they likely won't oversee another Olympics themselves.

Planners of subsequent games wisely tried to "learn from Atlanta's mistakes," as Salt Lake City's organizer John Sittner put it. Those lessons, however, didn't necessarily filter down to the inexperienced frontline workers. In 2000, Sydney's

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transportation planning was better than Atlanta's. But some Australian bus drivers still became puzzled by unfamiliar routes, got lost, and caused athletes to miss practice sessions, and at one point leaving then-IOC president Juan Antonia Samaranch waiting 40 minutes for his bus. In 2002, despite pleas from Salt Lake City's Olympic committee, the local police department said it couldn't allocate officers to crack down on street scalpers. When an open-air market of hundreds of scalpers developed around the city's legal ticket exchange center, heckling passersby and blocking customers from entering the building, one of the city's Olympic organizers took it upon himself to climb up on a planter and shout at the crowd in an attempt to enforce order. The scalpers didn't pay him much heed though, until the police department relented and added more security personnel.

Smash of the titans

When I was in Greece in March, I watched the torch-lighting ceremony in the ancient stadium at Olympia—and had a glimpse of what might happen this summer when first-time Olympic employees encounter the unexpected. The site, an open-air amphitheater with a dirt floor and seating on the grass, has been there for millennia. In the adjacent temple of Hera, a woman dressed as a high priestess carried the flame into the stadium to light the torch of the first relay runner.

After the priestess had danced and the runner had departed, the crowd jostled toward the two exits leading from the stadium to the road above. The right exit filled up quickly. I headed toward the left exit, which consisted of a wooden staircase just wide enough for a single person to ascend at a time. One slightly plump, red-faced police officer stood on the platform at the top of the staircase, shouting and gesturing in a vain attempt at crowd control. Seven other policemen lingered near the base of the stairwell, bewildered at what to do as the throng of boisterous Greeks pressed toward the staircase, with no sense of order, priority, or direction. Women held up their babies above their heads, hoping that seeing small children would motivate some to step aside, though there was no room to do so. Men shouted at the women trying to maneuver to the front and heckled the officer on the stairwell, who more often than not couldn't resist heckling back, his cheeks shaking, his face ruddy, and dripping with sweat. Everyone was tightly jammed together—a pickpocket's dream and a claustrophobic's nightmare. All told, it took an hour to struggle 25 feet forward.

When a photographer on the street stopped to snap a picture, the crowd hooted and waved, glad that someone had noticed their plight.

Home field advantage

You'd have to be a little hard-hearted not to like the idea that hosting the Olympics can afford smaller cities a time in the international spotlight. After the 1988 Olympics in Seoul, many Europeans and Americans who once thought of South Korea's capital as the site of an unfortunate war now see an exciting modern city. The games can help cities in other ways. In Athens, the Olympics helped local officials muster the political will to finish important infrastructure upgrades: building a new network of highways and an airport, completing the main lines of a metro that has languished since the 1970s, creating a pedestrian zone around the Acropolis. "Such projects would probably have happened even without the Olympics," Athens mayor Dora Bakoyannis surmises, "but it would have taken much, much more time. Decades would have been lost."

One Greek foreign ministry official confided, "I think we will be the last small country for a long time to host the Olympics."

Alas, given the rapidly accelerating costs of putting on the games—in particular the post-September 11 security expenses—the possibility of smaller countries playing host is quickly diminishing. When Athens won its bid seven years ago, Greece wasn't expecting to have to foot nearly $2 billion for security, more than three times Sydney's bill in 2000.

In June, IOC President Jacques Rogge told London's *Guardian* that he would favor cities that "already have a maximum of infrastructure in place" when selecting future hosts. Look no further than the recent history of summer games bids. In July 2001, the finalist cities for 2008 were Beijing, Osaka, Istanbul, Toronto, and Paris. Today, the hopefuls for 2012 are New York, London, Madrid, Moscow, and Paris. As one Greek foreign ministry official confided, "I think we will be the last small country for a long time to host the Olympics."

We may be looking at a future in which the games bounce between a dozen large countries—each inventing more creative ways to bribe the IOC, but none capturing the experience to perfect the art of hosting. One can only pray that the Olympics this summer in Athens don't go horribly awry. But if the city manages to carry it off with only an average number of snafus, there's an argument to be made that we keep the Olympics there forever—and give the Greeks a chance to perfect their invention. ◆

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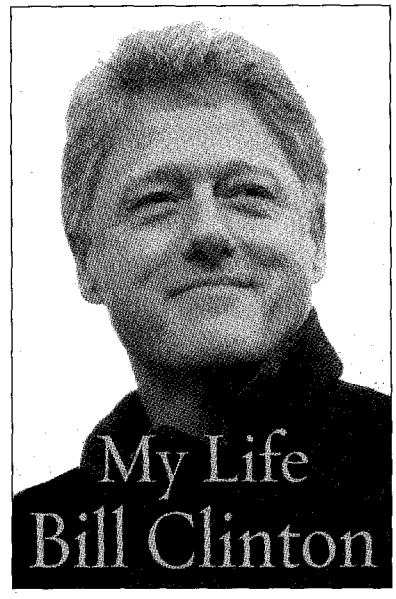
Bill of Right

What Clinton really reveals in his new memoir.

By Matthew Cooper

The early reviews of Bill Clinton's long-awaited, lucrative memoir have been consistent: The book is disorganized and chaotic, like the man who wrote it. While there are some interesting Arkansas riffs, the conventional wisdom goes, the presidency is treated as a slapdash schedule dump—we bounce from bill signing to foreign summit with no real coherence. Indeed, there was such bad buzz after *The New York Times* took the unusual step of trashing the book in a front page review by influential critic Michiko Kakutani that even some diehard Clinton veterans worried that the memoirs might crash and burn. On Monday, June 20, before the book's release but after Kakutani's review and the "60 Minutes" interview with Dan Rather, I was with some former Clinton administration officials who were fretting that the memoir would hurt John Kerry by dredging up Monica Lewinsky and impeachment. "It's a disaster," said an old Democratic hand who had watched the Rather interview. "No one is going to want to read this."

Of course, as has so often been the case, the conventional wisdom about Bill Clinton was wrong this time, too. Elites may have scorned the book, but its sales have been extraordinary; early indications are that they may even surpass those for Hillary's memoirs, which themselves wildly exceeded expectations. The whole episode reminds me of Clinton's 1998 State of the Union address, widely chided at the same time by reporters for going on too long, but which surveys later showed was well appreciated by a public whose appetite for detail is often underestimated. Readers who are willing to slog through the nearly 1,000 pages will find things that the critics missed. (They'll see that, yes, the book can be rambling and slapdash, too—which is as much a reflection on Knopf as it is on Clinton, since the publisher insisted the memoir cover his whole life.) The sections on Monica that so dominated the first days stories are brief and uninteresting. Okay, he feels bad. We get it. (Indeed, once it was revealed during the president's impeachment trial that Clinton had taken all the risks of the world's most calamitous affair while refraining from intercourse because he didn't want to go all the way, it was pretty clear that he had, uh, issues.) Clinton's unalloyed hatred of Ken Starr is neither surprising nor especially unjustified when you read, once again, how wildly far the prosecutor went after the former president.



My Life
By Bill Clinton
Knopf, $35.00

I found other things more interesting. For instance, Clinton keeps coming back to the efforts of Republicans to define Democrats as outside the mainstream of American life, as sissy liberals—not a new point, of course, for this magazine or other politicians. But Clinton recognizes it as the central struggle confronting progressives, and it shapes his life and ideology. As a young man he sees how the politicians he campaigns for are dismissed as wusses even though they include a former bomber pilot (George McGovern) and the son of a coal

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A view inside Bill Clinton's limo en route to his 1993 presidential inauguration.

miner (Joe Duffy, a Connecticut congressional candidate when Clinton was at Yale Law School and later head of the U.S. Information Agency). "Since 1968 conservatives have been very good at convincing middle America that progressive candidates, ideas and policies are alien to their values and threatening to their security," he writes. Clinton has understood throughout his career that getting on the wrong side of values is death for the Democrats, and as he drives his AMC Gremlin around Northwest Arkansas in his first and only race for Congress in 1974 or loses his first reelection bid for governor in 1980, or sees Michael Dukakis get crushed by the Bush machine on issues like the pledge of allegiance, Clinton becomes more sensitive than ever about not being turned into a "space alien"—he uses the phrase a couple of times—by the Republicans. When the first months of his administration get defined in the media by gays in the military, he's enraged at how he fell into the trap he spent a lifetime avoiding. In one of the most trenchant analyses of the 2000 election, Clinton notes the little-commented upon role of the National Rifle Association in flooding blue collar workers with anti-Gore propaganda. In states where unions made a point of fighting back against the NRA—Michigan, Pennsylvania among them—arguing that you might not agree with the Democratic nominee on guns but that he was right on other issues, Gore was able to prevail. In states with weaker union movements—Tennessee, New Hampshire—the NRA was able to garner blue collar votes for Bush.

The book also shows that there is such a thing as Clintonism. On CBS, Clinton told Dan Rather that he hated the term Slick Willie because it dismissed him as a snake-oil salesman who believed in nothing. The book shows that there really are Third Way ideas, and that Clinton came to them naturally, over time, both as part of his own disposition and because he had to win conservative voters. He eschewed the radical Students for a Democratic Society in favor of the more mainstream National Students Union. He was entirely at home in the welfare and school reform movements as governor. He gave the benediction at his high school graduation and as president supported legislation legalizing such religious observances at public events.

With all the Monica attention, there's been relatively little about the other characters who pop up in the book. Virtually everyone Clinton mentions gets tossed a bouquet, but there are still some interesting vignettes. I hadn't known that Clinton drove Hale Boggs, the late House Majority Leader, to the airport on the fateful day that he left for Alaska never to be heard from again. The famously corrupt governor of Arizona, Fife Symington, saved Clinton's life as a young man on a visit to Cape Cod. When Clinton wants to take responsibility for the Waco-Branch Davidian conflagration, George Stephanopoulos persuades him not to until they know more about what happened. By that time Reno had taken the heat, and Clinton ended up looking like a wimp. The maligned Bernard Nussbaum, Clinton's first

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White House counsel, is prescient in noting that any special counsel will run amok. Much has been made of Yasser Arafat's stubborn refusal to take a good deal in the final push for a comprehensive Middle East peace, and Clinton shows the Palestinian leader to be not only foolish but possibly on the verge of senility. More surprisingly, he shows how Israeli Prime Minister Ehud Barak blew a potentially historic side deal with Syria that Clinton thinks the late Hafez Assad genuinely wanted.

The book is also a reminder of the insanity of 1990s scandal reporting. Having written some of those stories, I felt embarrassed but also proud of a column I did at *The New Republic* after the Resolution Trust Company found no wrongdoing by the Clintons in the Whitewater affair. The RTC report, written by Jay Stephens, a conservative Republican, got little notice at the time. It shouldn't have. Kenneth Starr's calamitous crusade unearthed not one relevant detail about Whitewater that Stephens had not dealt with already.

Finally, the book is actually quite funny at times. Readers of *The Washington Monthly* will notice a slightly dry wit reminiscent of Charlie Peters's "Tilting at Windmills." Describing a campus hangout near Georgetown, Clinton goes on about the proprietors, Don and Rose—him with biceps and tattoos "back when they were a rarity ... Rose had a big beehive hairdo, a nice face, and a great figure, which she showed off to good effect in tight sweaters, tighter pants and spiked heels. She was a big draw for boys with small budgets and large imaginations and Don's good-natured but vigilant presence guaranteed that all we did was eat. When Rose was at work, we ate slowly enough to ensure good digestion." That's good stuff. And it shows that the guy knows how to write. Clinton is already telling friends that he plans several more books, bearing down on some of the topics that get glossed over in this soup-to-nuts account of his life. Like Rose's sweaters, the tighter the better.

Matthew Cooper, a *Washington Monthly* contributing editor, covers the White House for *Time*.

Patent Absurdity

How extended copyrights choke the economy.

By Gordon Silverstein

It's not often that a tenured professor at one of America's top law schools is willing to confess error. In the (copyrighted) words of rapper Eminem, Lawrence Lessig had one shot, one opportunity, one moment—and, Lessig admits, he let it slip. That moment came on Oct. 9, 2002, when he appeared before the United States Supreme Court to ask that it overturn the Sonny Bono Copyright Extension Act, a federal law that had been passed four years earlier. The result of a blitzkrieg of lobbying from movie moguls, record producers and a parade of Hollywood glitterati, the act stretched copyright protection from 50 years beyond the lifetime of the author or creator to 70 years, on the principle—according to its advocates—that intellectual property should be treated no differently than real estate or the family car. If it's yours, it's yours forever. And when you die, it goes to your heirs. If they can make a buck off your hard work, well, good for them. What's wrong with that?

For Eric Eldred, plenty. In 1995, Eldred, a New Hampshire native,

Free Culture: How Big Media Uses Technology and the Law to Lock Down Culture and Control Creativity
By Lawrence Lessig
Penguin, $24.95

had tried to engage his daughter's interest in literature by exploiting the Internet. He digitized such classic books as Nathaniel Hawthorne's *The Scarlet Letter*, making them text-searchable, and then went a step further, embedding the hypertext with links to maps, pictures, refer-

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Illustration from *Alice in Wonderland* by John Tenniel

Did Disney ask for our copyright permission before it turned us into a movie? Curious and curiouser.

ences, and other elements that could bring 17th-century New England to life for 21st-century readers. None of this was illegal as long as he stuck to Hawthorne, whose work had lost its copyright protection nearly a century ago. But when Eldred decided to add some of the work of New England's most famous poet to his collection, he ran into the Estate of Robert Frost—and the Sonny Bono Act. Under the law, nothing written since 1923 could be added to Eldred's Web site unless he could track down the copyright holders and secure their permission. This didn't sit well with Mr. Eldred, and like so many unhappy Americans before him, he got himself a lawyer—Lessig, a leading authority on the intersection between the Internet and intellectual property and a professor of law at Stanford University.

When *Eldred v. Ashcroft* eventually appeared on the Supreme Court's docket, Lessig had good reason to think this would be a winner. Not only did he understand the nascent field of cyber law as well as any lawyer around, but he also thought he understood what arguments would appeal to the court's conservative majority. Though this would be Lessig's first appearance before the court, he had spent time as a clerk to Justice Antonin Scalia. Before that, he had clerked for Circuit Court Judge Richard Posner, the bench's leading advocate of laissez-faire economics; later, he had taught at the University of Chicago. Lessig was convinced that he could win this case by making a very conservative argument to a very conservative court. He would focus on the Constitution itself, and on broad principles about the allocation and limits of power. Others urged him not to rely solely on the court's well-documented instinct to slap the congressional hand away from the cookie-jar of power; they argued that the court would only intervene if Lessig could convince the justices that this latest extension of copyright would do real damage to the United States and its economy.

But as he readily admits in his new book, *Free Culture: How Big Media Uses Technology and the Law to Lock Down Culture and Control Creativity*, Lessig saw this as a rather pandering strategy. When Justice Anthony Kennedy explicitly noted that he didn't "see any empirical evidence" that extending copyright had "impeded progress," Lessig insisted on steering Kennedy away from the economics, inviting him back to the higher ground of constitutional theory. "Justice," Lessig said, "we are not making an empirical claim at all." Instead, he insisted, Eldred's claim was a nearly-pure question of interpretation involving the Constitution's copyright and patent clause and the court's duty to police the boundaries of congressional action. As it turns out, Lessig writes, that was "a correct answer, but it wasn't the right answer." The right answer, he now realizes, was that this sort of abusive copyright extension would produce "an obvious and profound harm."

Permission granted

Free Culture is Lessig's attempt to correct his error. Dedicated to Eldred, the client whose case Lessig eventually lost in a 7-2 decision, it is the product of a fertile mind dealing with a complex mix of politics, technology, law, culture, and economics. It features evil lawyers, powerful lobbyists, Hollywood's A-list of stars and producers, and a bevy of creative innovators whose innovations have been stymied by the threat—and reality—of monster lawsuits.

Before getting to the climactic tale of *Eldred v. Ashcroft* and his 30 minutes of oral argument before the Supreme Court, however, Lessig builds a case for the virtues of creative destruction in the service of progress. Once upon a time, he notes, if you owned a plot of land, your rights extended down to the core of the Earth beneath your lot and up to the heavens. When the airplane came along, however, it became obvious that those rights would have to be curtailed. When a pair of North Carolina farmers challenged the government's right to "take" the property between their land and the heavens in 1946 for the use of aircraft, the Supreme Court declared that such an "ancient doctrine" simply "has no place in the modern world." (Imagine if United Airlines had to negotiate fly-over rights with every home-owner between San Francisco and Washington, D.C.) The court sided with Congress, and the future—as they very nearly always

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have in American history.

Until now. As Lessig recounts, the dinosaurs of today's entertainment industry have had enormous success in suffocating the creative force of the Internet in its crib. Ever since Al Gore cast his eyes on the first Web browser—Mosaic, upon which was built Netscape, which was gutted by Microsoft to provide the foundation for Internet Explorer—the Web has offered the possibility of releasing the inner artist in all of us. The Web democratized our culture, enabling just about anyone with a high-speed connection to sample here and riff there, merrily ripping and burning and transforming their way through thousands of years of ideas, inspirations and innovations. This process liberated extraordinary creativity, expanding our stores of cultural knowledge, enriching the human experience, and paving the way for all sorts of new jobs, industries, and opportunities.

But every fairy tale has its evildoer. And for those who make money buying and selling information—Jack Valenti, the retiring head of the Motion Picture Association of America, calls it "the copyright industry"—this infant technology looked like the apocalypse. And instead of joining in, or getting ahead of the pack, they opted to fight the intellectual-property equivalent of preemptive war, dispatching an army of lobbyists and lawyers to all fronts. Sonny Bono's copyright extension legislation severely restricted the scope and depth of the public domain; other laws imposed draconian punishments on seemingly minor infractions. Steal a CD from a shop in California, Lessig observes, and you may get hit with a $1,000 fine. Download a CD's worth of songs from the Web, and you may be writing a check for $1.5 million. Create a terrific new search engine that can be abused to pirate music files, and, Lessig reports, you could be sued for more than $15 million in damages—which is what happened to 19-year-old Jesse Jordan two years ago. As a freshman at New York's Rensselaer Polytechnic Institute, Jordan came up with a new twist for an intranet that linked his school's students, faculty, and research facilities. But the same tweak also made it possible to "share" the latest Limp Bizkit tune, and instead of trying to balance the costs (lost revenue to the Bizkits) against the benefits (a better internal search engine) the copyright industry hit Jordan with a tsunami of litigation. The eventual settlement required him to hand over every penny he had ever owned and saved, all $12,000 of it. You can be sure Jordan will think twice before he innovates again.

John Lennon's economy

Lessig is a lively writer. He knows how to tell a story, and he has good stories to tell, full of heroes and villains, the winners and losers of America's relentless march into the future. Yet he commits in book form the same error he made before the court two years ago. Though he does offer arguments about how and why copyright extension is a form of economic protectionism, they are scattered through the book, buried beneath a broad philosophic argument about the joys of a free and open culture, and sometimes obscured by Lessig's rather detailed exploration of the interrelationship of technology, law, and culture.

The economic argument is really quite simple, and powerful. The costs of copyright extension are significant, and the benefits are slim. Just how many extra songs would John Lennon and Paul McCartney have written if they knew that their efforts would profit not only their children and grandchildren, but also their great-great-great grandchildren? Probably not many. On the cost side, 17 economists—including Nobel laureates George Akerloff, Ronald Coase, and Milton Friedman—filed an amicus brief on Eldred's side, rightly arguing that copyright extension not only artificially raises consumer costs, but also has the effect of reducing innovation, which, in turn, poses a real threat to the engines of the Ameri-

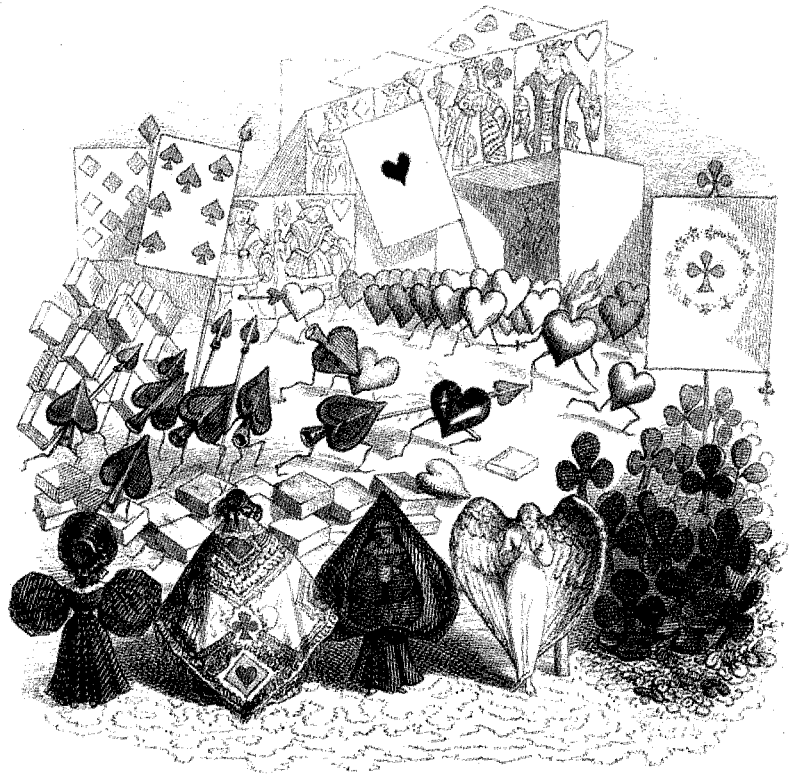

Illustration from *Alice in Wonderland* by John Tenniel

Lewis Caroll didn't obtain copyright permission before turning playing cards into story characters.

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can economy.

This is just as true for scientific and industrial patents as it is for books, movies, and other creative products. Both copyright and patent protection are authorized by the Constitution, not to protect personal property but "to promote the progress of science and useful arts." Intellectual property in books, movies, art, and design is just as important to the American economy in the Information Age as were patents on machine tools, transmissions, and coal furnaces in the preceding Industrial Era.

Innovation and invention are tricky. If there were no copyrights and patents, there would be far less incentive to innovate. On the other hand, if copyrights and patents lasted as long as the sky is blue, we wouldn't get very far, either. Innovation and invention rarely come in breakthrough "Eureka!" moments, but rather are the product of small, incremental additions and transformations of what already exists. Sir Isaac Newton (no slouch when it came to innovation) once wrote that he might have seen further than most, but he did so "by standing upon the shoulders of giants"—Copernicus, Kepler, Galileo, and others. Artistic creation works the same way. Mel Gibson didn't come up with the storyline for *The Passion of the Christ* all on his own. There would be no *West Side Story* without Shakespeare's *Romeo and Juliet*. And we won't even mention the debt owed by Disney to the Brothers Grimm. (Okay, we'll mention *Snow White*, *Cinderella*, and *Sleeping Beauty*.) Each of these transformative adaptations built on material that had no copyright protection, material that was in the public domain. That freedom allowed their creators to innovate and, not incidentally, build an enormously profitable industry in the creative arts—an industry that is now among America's most robust.

As the Nobel economists put it in their Supreme Court brief, "new fiction retells old stories, new documentaries reuse historical footage, and new music re-mixes and transforms old songs." Excessively long copyrights force new artists to pay the second- and third-generation offspring of the original artists for the use of work they themselves had no hand in creating. This is hard enough when dealing with the tiny fraction of materials that have retained their commercial value over the decades, but sometimes nearly impossible when you want to use things that lost their commercial value years ago—or, more likely, never had any at all. Either way, Sonny Bono's law covers it all, and forces today's innovators to find out who owns those rights to negotiate with them, and maybe even to take out expensive insurance to protect themselves in case they slip up in the process. All of which is time-consuming and expensive when you are dealing with famous authors and artists, but even worse when you have to track down relatives of obscure or even unknown creators. These transaction costs raise the price of innovation, sometimes prohibitively. And as Lessig reminds us, there are cultural costs as well. Rights-holders not only set a price for the use of the creations they control, but they also get to decide who uses them and how, skewing the nature of what is produced. Excessive copyrights make it more likely that the only derivative works produced are those that please the rights-holders. Permission, Lessig reminds us, "is not often granted to the critical or the independent."

In America, culture and economics have long been tightly tied together, a connection made all the more compelling when we consider the sorts of opportunities—cultural and economic—that are made possible by a marriage of old content with the digital technology of the Internet Age. Among the other parties filing a brief on behalf of Eldred was the Intel Corporation, hardly an enemy of capitalism or of the sanctity of intellectual property. Intel's lawyers argued that "a healthy and vibrant public domain" is critical to "speed the rate of technological innovation and network build-out." Limiting the public domain would limit the range and depth of content available. And without that content, the Intel brief said, the Internet will never reach its full potential. If the public domain shrinks, Intel insisted, "the need and demand for a full range of new technologies and innovation will also decline. One cannot exist without the other."

Last rights

Lessig's book is not a plea for plagiarism, piracy, or stealing. It's really a very simple and modest call to just calm down. Before we unleash the full fury of the American legal system against technologies we don't yet understand, he argues, let's see where this thing is headed, what it can (and can't) do, and then balance the costs against the benefits. Unfortunately, Lessig's lawsuit didn't help. Arguably, his biggest error wasn't failing to make a case for economic harm before the Supreme Court—it was in taking this case to court in the first place. *Eldred* was the first time the Court really considered the meaning of the word "limited" in the copyright and patent clause, which delegates to Congress the power to protect intellectual property "for limited times." Now they have effectively handed Congress a certificate of constitutionality signed by the Court. And their decision may have the perverse effect of permitting Congress to extend copyright almost indefinitely. After all, if it is okay to protect a copyright for the lifetime of an author plus 70 years, it's not that big a leap to extend it to the term Valenti has long advocated: "Forever, minus one day." And if that logic works for copyrights, why not for patents? Before *Eldred*, this was an open and untested question. Now it's been tested, and the "copyright indus-

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try" has won. You may be sure the "patent industry" won't be far behind. Lessig has inadvertently blazed the trail to a goal he virtuously fought against.

The place to engage this battle was—and is—on Capitol Hill, where the armies of the "copyright industry" won an easy battle with little organized public opposition. It's true that the Supreme Court can and sometimes does ride to the rescue, but if they don't, you may be worse off then you were before. In politics, a loss today has no bearing on your ability to fight again tomorrow—in law, it does, even if only at the margins.

It won't be an easy fight, of course. Hollywood has huge advantages in any political struggle: deep pockets and direct access to America's eyes and ears, not to mention that these folks sure know how to sell a message. But these obstacles are not as insurmountable as they might seem. Americans believe in the future. And if the full implication of the Constitution's copyright and patent clause were made plain and clear, it could well be one of the few issues that might appeal to both conservatives (who are unsympathetic to pleas for government protectionism) and liberals (who are unsympathetic to the pleas of Big Business and Big Media) alike. We've already had a taste of what an informed public can do, even against long odds and fat wallets. When the Federal Communications Commission in June 2003 issued an ill-considered decision that would have allowed Big Media to become even bigger, it was shocked into retreat by a massive public outcry that seemed to emerge from nowhere. Lessig's book is not an easy read. But it has terrific raw materials for a creative, innovative, entrepreneurial politician in search of a "vision thing" that might actually resonate among Democrats and Republicans alike. Any takers?

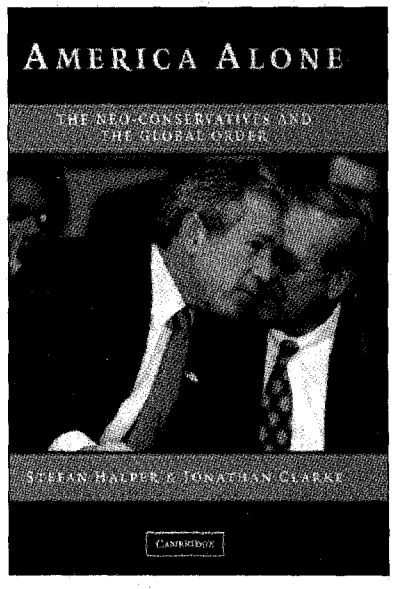
Gordon Silverstein, assistant professor of political science at the University of California, Berkeley, is completing a new book titled *How Law Kills Politics*.

Right Cross

After Iraq, the conservative infighting begins.

By Jacob Heilbrunn

One of the more intriguing developments in recent months has been the growth of apprehension about neoconservative doctrine among that faction's traditional allies. Inveterate isolationists such as Patrick J. Buchanan, editor of *The American Conservative*, which is dedicated in part to decrying neoconservative influence, have long despised them as dangerous interlopers. But in May *National Review*, which three decades ago welcomed the neoconservatives into the conservative fold, most memorably in a 1971 editorial entitled "Come on In, the Water's Fine," expressed serious doubts about policy toward Iraq. It called for "An End to Illusion," and gently argued that an intellectual error had been made in the run-up to the Iraq war, "largely, if not entirely a Wilsonian mistake," namely, underestimating the difficulties of creating democracy in hostile territory. Since then, neoconservatives outside the administration have begun to engage in some soul-searching, wondering, as David Brooks conceded, whether they haven't been guilty of dangerous credulity. In turn, this has boosted the realist camp in the Republican Party, which has always viewed the Iraq war with suspicion and believes



America Alone: The Neo-Conservatives and the Global Order
By Stefan Halper & Jonathan Clarke
Simon & Schuster, $26.00

that U.S. foreign policy should rest primarily upon balance-of-power principles, a la Nixon and Kissinger, rather than upon a neoconservative emphasis on democracy, human rights, and war.

Stefan Halper and Jonathan Clarke's *America Alone: The Neo-Conservatives and the Global Order* thus arrives at an opportune moment. It offers the most comprehensive critique to date of neoconservatism from

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writers who are themselves traditional conservatives. Halper served in the Nixon, Ford, and Reagan administrations, while Clarke, a former British diplomat, is a member of the Cato Institute. They trace the origins of neoconservatism to the 1960s, its links to the Reagan administration, and the rise of a new, younger generation led by William Kristol and Robert Kagan. They do a brilliant job of detailing and analyzing the shadow defense establishment, based in organizations like the Project for a New American Century and the American Enterprise Institute. Based on solid research and deftly written, their book provides a rousing, if ultimately unconvincing, case for a return to realist tenets.

Halper and Clarke offer a sturdy recapitulation of the by-now familiar story of how the formerly liberal New York intellectuals turned right in the late 1960s. Whether that story is altogether accurate is another matter. The truth is that beginning with their Trotskyite phase in the late 1930s, Irving Kristol and others were already hostile to liberalism, viewing Franklin Roosevelt as an imperialist. Kristol, for instance, denounced World War II in 1943. It's hard to see much distinction between his blast at liberalism as the enemy in some of his earliest efforts and in *The National Interest* in the years following the end of the cold war.

But from the late 1940s on, such intellectuals as Kristol and Lionel Trilling did experience a reconciliation with America, as a *Time* magazine cover story put it. The collapse of Nazism and Stalin's takeover of Eastern Europe made it impossible for any but the most ardent leftists not to acknowledge that the United States was a force for freedom. Kristol and others were also taken aback by the economic prowess of the United States during the postwar economic boom. The turgid disquisitions that they had been reading by Trotsky and others about the imminent fall of capitalism soon seemed dated indeed. The United States was to be celebrated, not disparaged. This new era of contentment prompted the socialist to bemoan in *Partisan Review* a "new age of conformity."

But it was not until the 1960s that the first generation of neocons really emerged as a coherent group of thinkers. Affirmative action, detente with the Soviet Union, and Arab attacks on Israel at the United Nations led what Frances FitzGerald denounced in *Harper's* in 1976 as the rise of the "warrior intellectuals," starting with Daniel Patrick Moynihan and Norman Podhoretz. Moynihan abandoned the neoconservatives, but others kept up the fight even past the days when the Soviet Union constituted a real threat to the United States.

Halper and Clarke draw a sharp distinction between the first and second generations of neoconservatives. The first generation was quite a heterogenous lot, ranging from sociologists Daniel Bell and Seymour Martin Lipset to historians Gertrude Himmelfarb and Donald Kagan. "Generally speaking," the authors write, "the older neo-conservatives were not a force in the Republican Party ... Even though the majority of older neoconservatives twice voted for Reagan and a number worked for him, most had avoided becoming Republicans." Not so with the second generation. Halper and Clarke point to William Kristol, Paul Wolfowitz, Douglas J. Feith, David Brooks, John Podhoretz, and Robert Kagan as neoconservatives who have jumped into the political fray, either as journalists or administration officials, and sometimes both. They argue that by the 1990s, "the younger neo-conservatives had filled a space left by the increasing inability [of] older neo-conservative views to provide a sufficient interpretive framework for the changing realities of international events in the 1990s." Halper and Clarke's most important point is that Kristol and others had replaced the Soviet threat with a broad idea of "American global leadership," not in the form of multilateralism, as the Clinton administration had worked for, but with the United States as numero uno, acting unilaterally whenever and wherever it saw fit. The authors unsparingly portray the younger generation as impetuous and naive.

To forward their vision of American empire, Halper and Clarke argue that the neocons have twisted and distorted the true Reagan legacy. The authors adduce powerful evidence that Reagan would not have approved of a war on terror, conducted on Bush's endorsement of preemptive warfare. But that notion is bunk. They want to show, in other words, that Bush has strayed from the wisdom of the great man. Consistent with their attempt to portray the neocons as defiling the conservative temple, they cite a number of denunciations in the mid-1980s by Norman Podhoretz, among others, of Reagan's insufficient zeal in attack of the Soviet empire. But might not many of these utterances about Reagan have simply been maximalist rhetoric aimed at keeping him to a hard line?

Halper and Clarke strive to fashion a realist Reagan, cautious about employing force abroad and careful to work with allies. "The neoconservative assertion of a line of descent from Reagan's foreign policy," they write, "is far-fetched." Well, maybe. But the Reagan they construct is as much a caricature as the one they accuse the neocons of retrospectively creating. Reagan financed an enormous buildup of the military and hardly shrank from turning Nicaragua into a front and center issue in U.S. foreign policy debates. His legacy is more mixed than they would care to acknowledge.

What's more, Halper and Clarke would like to depict Reagan as someone who was no champion of exporting democracy, arguing instead that the neoconservatives are more like the human rights obsessed Clintonites. In their words, the neoconservative "obsession with firepower had more in common with Madeleine Albright's approach to the Balkans." Reagan, they maintain, would have had no truck with nonsensical policies like trying to stop the Serbs from slaughtering the Bosnians.

Indeed, to prove that Reagan was wary of democratization, the authors appropriately comment that he once

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described "the need to recognize the electoral defeat of Philippine President Ferdinand Marcos as 'inevitable but not enjoyable.'" But pushing for Marcos's ouster was not only a triumph for Secretary of State George Shultz and his assistant secretary Elliot Abrams, both of whom argued against the notion espoused by Jeane Kirkpatrick that it was a bad thing to topple friendly authoritarian regimes; it also marked a change in Reagan's approach to the evil empire. Once Shultz gained the upper hand, it was possible for Reagan to deal with Mikhail Gorbachev not as a foe but as a possible partner.

Reagan, as Garry Wills notes in the new introduction to his book, *Reagan's America*, was not a traditional conservative. He was a radical. As Wills puts it, "Older-style conservatives were not comfortable with Reagan's fondness for a citation from the radical Tom Paine: 'We have it in our power to start the world over.'" Sound familiar? That's precisely the type of rhetoric that neocons were espousing on the eve of the war against Iraq. The tie between Reagan and the neoconservatives is much closer than Halper and Clark can bring themselves to admit, forcing them to fantasize a Reagan who supposedly believed what they believe.

Fortunately, he didn't. Had Reagan followed traditional realist precepts, he would have viewed Gorbachev as an adversary, which is what the realists in the first Bush administration, such as Brent Scowcroft, did. They initially saw Gorbachev as a sneakier version of previous Soviet leaders. Then they embraced him because they didn't want the Soviet empire to collapse for fear that it would result in instability.

Halper and Clark score telling points in recounting the neoconservative saga. But to argue, as they do, for a complicit silence over human rights and to dismiss any role for the United Nations is no solution to today's foreign policy ills. They may have diagnosed some profound ailments, but their version of realism isn't all that realistic.

Jacob Heilbrunn is a member of the *Los Angeles Times* editorial board.

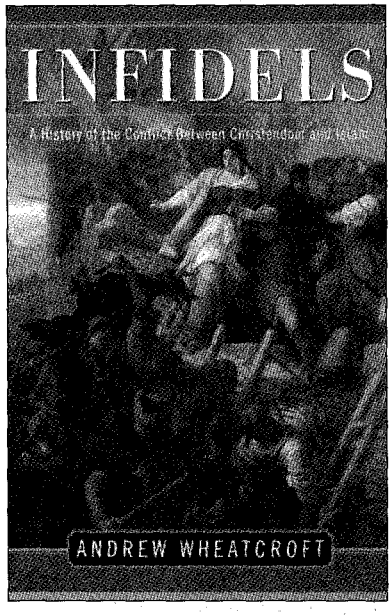
Clamor of Civilizations

In the battle between the West and Islam, words may be more dangerous than bombs.

By Grenville Byford

Christians and Muslims have been butting heads for 1,400 years, violence alternating with uneasy coexistence. Swords and spears have morphed into hijacked aircraft and laser-guided bombs, but one weapon has remained the same: Maledicta, words of evil intent, are still hurled back and forth. Their objective is not to communicate with the enemy but to bind "Us" together in self-righteousness by demeaning "Them." Historian Andrew Wheatcroft sees Osama bin Laden and President Bush's paired epithets, "crusader" and "evildoer" for example, as merely the newest generation of an ancient rhetorical family.

Infidels is the history of three Muslim-Christian encounters: The first is the 8th-century Muslim conquest of Christian southern Spain from its Visigothic kings, and its subsequent rise to riches as "Al-Andalus." Cordoba, its greatest city, was known to 11th-century Europeans as "the jewel of the world," an almost unrivaled center of learning and culture. Many southern Spanish Christians converted voluntarily to Islam, but many did not. Mostly, these two communities, together with a third community of Jews, managed a highly productive, if wary cooperation.



Infidels: A History of the Conflict Between Christendom and Islam
By Andrew Wheatcroft
Random House, $29.95

It was, however, an arrangement based on keeping the communities operating in parallel rather than in any true partnership. As with any apartheid, it was buttressed by words. This from the Muslim rulers of 12th century Seville: "Frankish women must be forbidden to enter the church except on days of religious services or festivals for it is their habit to eat and drink and for-

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nicate with the priests"; and this from the Christian side: "Muslims are... fickle, crafty, cunning.... completely befouled... rejecting chastity as though it were filth, disparaging virginity as though it were the uncleanness of harlotry..." Note the symmetry, especially the sexual innuendo. But some Christian kingdoms survived in northern Iberia, and beginning in the late 11th century, slowly rolled back Muslim power. Toledo was recaptured in 1085, and Ferdinand and Isabella, rulers of Aragon and Castile as well as patrons of Christopher Columbus, completed the "Reconquista" with the capture of Granada in 1492. The monarchs of newly Christian Spain, however, knew a thing or two about irredentism. The Jews were expelled in the same year, although those who converted were permitted to stay. By 1614, the last of the Moors had gone—even those who professed Christianity were evicted.

The linguistic front developed in parallel. The "Moros" (Moors) who could occasionally be "noble" in a ballad, became "Mudejares" (the left behind), and then "Moriscos," a people who "have only the outward appearance of a man, for the rest of you are beast." Such linguistic barbarity was, of course, a two-way street.

Wheatcroft's second story is the 300-year struggle for the Levant and in particular Jerusalem, beginning with the First Crusade in 1096. Here he draws attention to the parallel linguistic development of those totemic words "crusade" and "jihad." The term "crusade," he reminds us, was not coined until the 13th century in Spain. The verb did not arrive in English until the 18th century, just in time to be taken up by the muscular Christianity of Victorian England. "Jihad" meanwhile mutated to become its mirror image. The Prophet's distinction between the "greater jihad," the internal struggle to become a better Muslim, and the "lesser jihad," war to defend or extend Muslim lands became lost. Jihad and crusade however, are merely emblematic of a whole lexicon of reciprocal denigration. As Wheatcroft puts it:

> The degree to which each group produced reverse or mirror images is remarkable. Christians regarded Muslims as inherently cruel and violent; Muslims felt the same about Westerners. Christians developed wild imaginings about the sexual proclivities of Muslims. Muslims regarded the Franks...as little better than animals in terms of sexual propriety.

Wheatcroft takes his third example from the Balkans. Serbian folk animosity towards Muslims and particularly towards the Ottoman Turks has been fuelled by two mythic events: The cataclysmic defeat at Kosovo Polje ("The Field of Crows") in 1389, and then the "Great Migration" of 1690, a Serbian "Exodus from Egypt" complete with the Moses-like figure of Patriarch Carnojevic. In that year, a large portion of the Serbian nation fled the advancing Ottomans in the wake of a retreating Austro-Hungarian army. Their descendants still live in Vojvodina, Serbia's northern province. What interests Wheatcroft, though, is the survival of Serbian hatred of the Turks, and after the Turks quit the Balkans in 1922, the Bosnian Muslims and Albanians. It was still in evidence in the late 1980s and became one of the precursors to another round of Balkan slaughter and ethnic cleansing. Wheatcroft quotes to good effect an interview with an aging Serbian nun in Robert Kaplan's *Balkan Ghosts*: "I am a good Christian, but I will not turn the other cheek if some Albanian plucks out the eyes of a fellow Serb, or rapes a little girl, or castrates a twelve year old Serbian boy." As she must have been born no earlier than the 1920s, and this interview was conducted before the post-Yugoslavian conflicts, it seems likely that this was not her own memory, but a communal one. Kaplan's coda certainly suggests this: "Her eyes, while fiery, also appeared strangely unfocused, as though blotted out by superstition."

Which brings us to the two closing chapters of Wheatcroft's book. They revolve around the use of maledicta. Here he makes the striking observation that there are two parties to every malediction and that while it might seem logical that the one insulted would be the more affected. In fact, the opposite is true. Commonly, the insult is not heard, or if heard not fully understood, and even if understood, it can always be shrugged off. *You* may call me an evil and perverted ape, but *I* am unlikely to believe you. "But," Wheatcroft continues, "those who curse certainly hear the words resonating in their own minds." It is they and their followers whose behavior is more likely to be affected. Their suspicion and hatred are justified, their self-righteousness reinforced. What is more, these maledicta remain powerful for generations after their coining, as witness Kaplan's elderly nun. Lurking in memory they await the summons of blood.

Wheatcroft then turns to today's maledicta, specifically President Bush's habitual use of the words "evil" and "evildoers," and his single, but hastily retracted, use of the word "crusade" to describe his "war on terror." To the evangelical Christians supporting Bush, Wheatcroft avers, "crusade" is not just an anodyne synonym for a worthy endeavor but also a word of power, religious power, just as Jihad is to Muslims.

To be sure, the Bush administration has taken great care to describe Islam as "peaceful" and to assure Muslims that America's wrath is aimed at terrorists. But are Bush supporters listening? Are such careful words directed to them anyway? Wheatcroft quotes a certain Dr. Robert Morey of the "Crusaders' Club" saying, "Islam stands to be the greatest threat against humanity that the world has ever known." One can hear similar sentiments expressed any day on American talk radio.

Wheatcroft also quotes the evangelical pep talks of General William "My God is bigger than your God" Boykin. These referred to the "enemy" in Mogadishu as "the principalities of darkness.... a demonic presence." Wheatcroft's thesis is that Boykin's apology to those who "might be offended by what I said" is entirely

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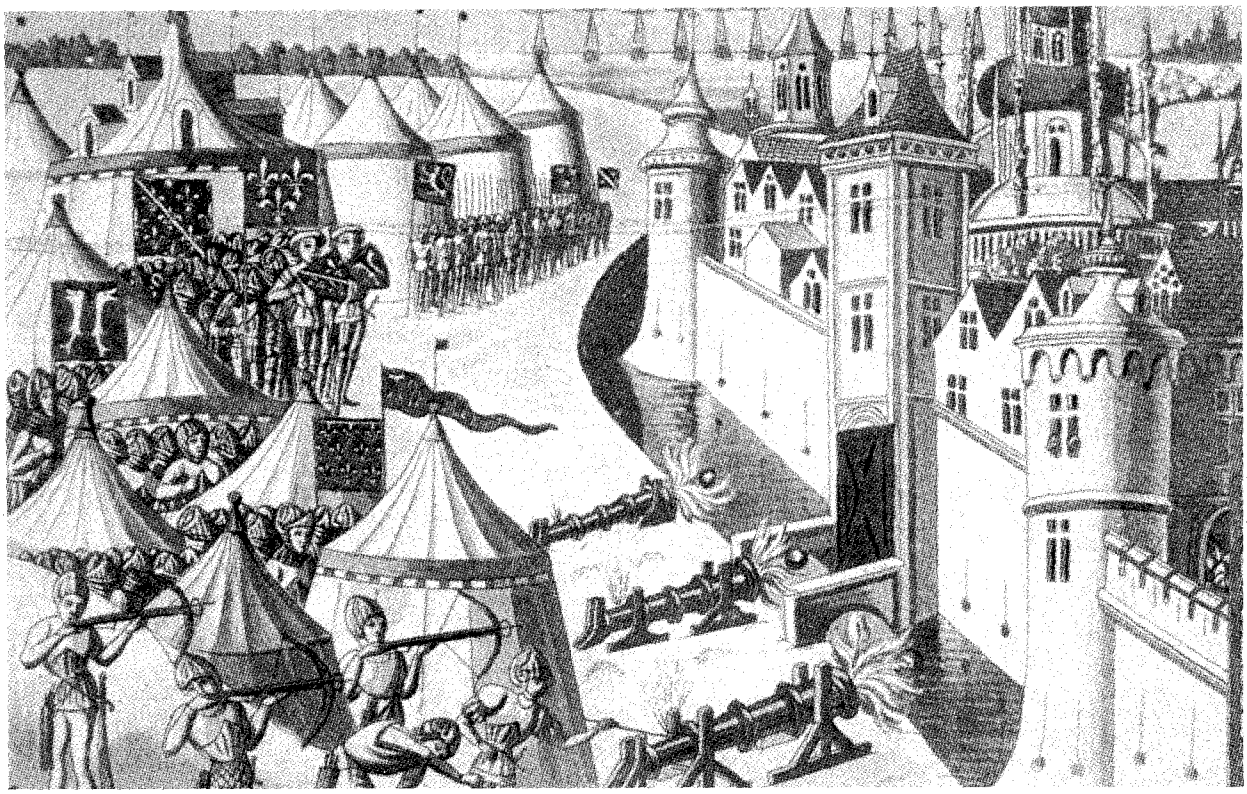

Engraving of the Siege of Tunis by the French during the 8th Crusade.

beside the point. Those who might be offended can dismiss his words as those of a raving, uninformed bigot, even if his continued tenure as assistant undersecretary for intelligence at the Defense Department makes this a little hard. It is those with whom Boykin's words about evil and Satan resonate who are most likely to be influenced by them.

All this is very interesting—indeed *Infidels* became more engaging as I reflected on it. The notion that the interplay between Bush and bin Laden is the direct rhetorical descendent of maledicta that have been going back and forth for well over a millennium is worth considering. Even more so as bin Laden seems to be aware of it and Bush does not. And I urge those who share my aversion to the merest mention of the likes of Jacques Derrida to forgive Wheatcroft the occasional plonking reference to him and other philosophical worthies during his discussion of language and its meaning. This book is worth reading. Sadly, those whose ideology is unleavened by a sense of the tragedy of history are unlikely to do so.

I do not believe, however, that the discussion of maledicta can be confined to the field of Christian-Muslim relations—much that can be said about the relationship between the Serbs and the Bosnian Muslims can be said about that between the Serbs and the Croats. The overwrought taunts hurled between socially conservative Republicans and liberal Democrats constitute latter-day maledicta rather than serious political debate.

The denigration of one's enemies is surely a general human characteristic. It is also true that such denigration gains in power as each subsequent generation refines it. Those awkward flashes of humanity that enemies are apt to display from time to time are edited out, their evil given a little extra color with each retelling.

To be sure, maledicta can concentrate a loose coalition into a common inflamed antipathy, mobilizing slogans of great value in a struggle to the death. Fortunately, our civilization has moved beyond such brutality. When Rome finally defeated Carthage, the proconsul Scipio Africanus ploughed it into the sands of North Africa. Today, he would ask the Senate to vote vast quantities of aid to rebuild it—in Rome's image. In fact, today's struggles are all ultimately political. We are not going to erase our enemies, and we will therefore have to live with them afterwards. In this environment, maledicta are downright counterproductive. The self-righteousness that is their natural offspring makes respect for the enemy unthinkable, compromise impossible, and subsequent relations fraught with bitterness.

The abuse of prisoners in Abu Ghraib will have come as no surprise to Andrew Wheatcroft, I suspect. The Geneva Conventions presuppose some respect for enemies as fellow human beings. In all conscience, any war makes this hard, let alone the sort of guerrilla struggle America faces in Iraq. To treat an enemy as human requires iron discipline and higher authority's endless repetition of the simple sentence "We don't do things like that." And to be sure, most U.S. servicemen do not.

Ancient maledicta, however, have the power to sweep aside civilized restraint in some to whom they speak. Leaders who reach for them must understand that while such rhetoric will do no harm to the enemy, they will most certainly resonate with some of "us." Once they do, barbarism and inhumanity will follow as surely as night follows day. Osama bin Laden seems to understand this. It is what he seeks. George W. Bush and William Boykin, on the other hand…

Grenville Byford conducts research on Turkey as an affiliate of the Caspian Studies Program at Harvard University's *John F. Kennedy School of Government.*

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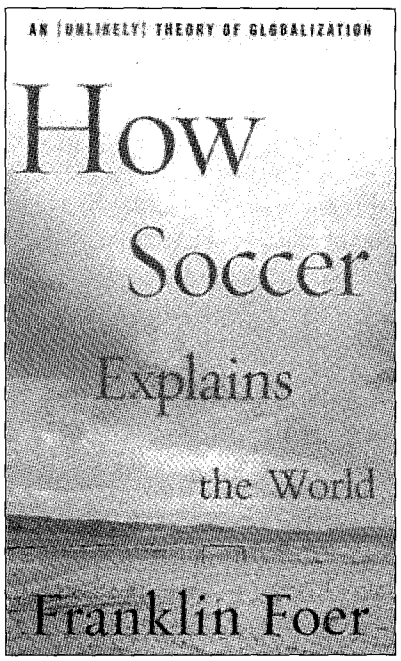
Kick Back

The curious appeal of soccer's tribalism.

By Benjamin Wallace-Wells

I have spent each of the past three Sundays watching the European soccer championships via satellite at a small bar just south of Dupont Circle in Washington, the only establishment in the District I've found which shows these matches. Having grown up in the Bronx, I have little native interest in the odd geopolitical clashes on offer—Sweden versus Bulgaria!—but then neither do most of the 200 or so other yuppies who watch with me, and who show up to grab seats even earlier than I do. What we are watching is not so much the games themselves, whose quality has frankly been up and down, but the few European expats, pasty-faced development bankers and diplomats with soft bellies, who are accorded a momentary celebrity status, sitting at the best tables and singing obscure, off-key patriotic songs to root their elevens on. There is a ferocity to their fandom that I have not seen elsewhere in American sports, a sense that when England faces France on the pitch, two cultures really are in conflict, and the result might have something meaningful to say about which one is superior. The Americans at the bar, who outnumber the expatriates 20 to one, stand around the room's edges like wallflowers at a junior high school dance, shooting each other geeky smiles, feeling privileged to be party to the action. Only the most imaginative of us, after all, have ever been able to invest the pennant runs of the Florida Marlins with anything approaching the same historical importance or symbolic heft.



How Soccer Explains the World: An Unlikely Theory of Globalization
By Franklin Foer
HarperCollins, $24.95

Sportswriters of a particular liberal-sensitive cast have spent three decades patiently pressing upon their readers the demographic inevitability of soccer's conquest of the American sporting scene. First, they say, there are the participants: millions of suburban soccer kids, who will as adults lock onto the sport they grew up playing. Next, there are all those Mexicans—and other immigrants too—for whom soccer is a happy link back to their homelands. But the minor roots that the sport has established so far in America have been put down neither by the immigrant fans nor the Saturday morning shin guard posse but instead by cultural tourists like those who watch each Sunday with me, returned refugees from junior years abroad. Third- and fourth-generation immigrants, we wistfully align ourselves with working-class allegiances from the old country, looking at those pasty-faced bankers in the bar, the postmen in the stands in Portugal, and imagine whom we might have been had our grandparents stayed home. We cheer and try to lose ourselves in borrowed pride, in these blind, chesty European nationalisms.

It is difficult to watch soccer from America today and not notice this shifting interplay of class and national identity, where rivalries that spark proletarian blood-feuds in Europe are symbols of something quaint and charmed in Washington. In *How Soccer Explains the World*, the political journalist Franklin Foer has mapped, delightfully, the ways in which soccer's emerging international brands and symbols clash with stubborn local tribalisms. Each of his 10 chapters is a discreet, deeply-reported case study on what soccer has come to mean in different spots around the world—on soccer and Serbian nationalism, on soccer and the corrupt cronyism of Brazilian oligarchs, on the ways in which a nascent, secular nationalism has emerged through soccer in Iran.

The book's subtitle—*An Unlikely Theory of Globalization*—promises a discussion of the new, post-Cold War world, but in truth there are only one or two chapters that could not have

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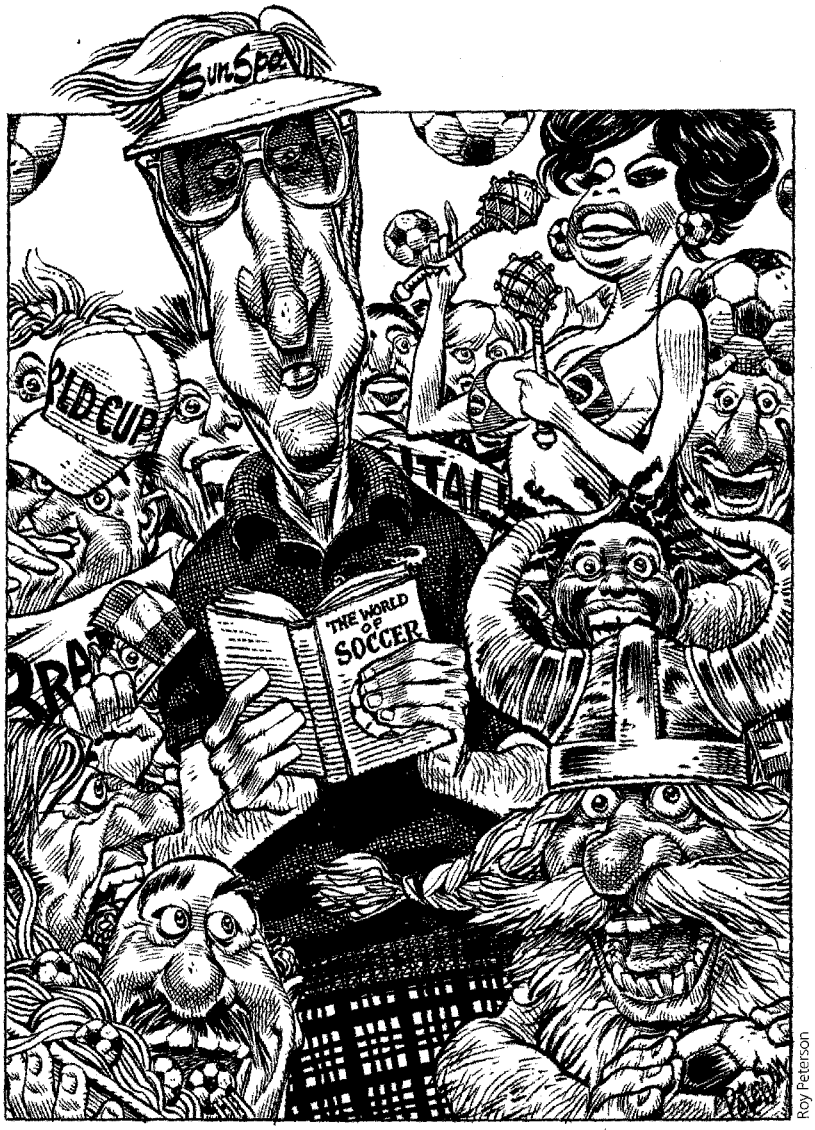
been written 20 years ago. Foer seems less interested in documenting something new than in using soccer as an organizing concept, a diagnostic lens for assessing the state of the world's lumpenproletariat in the era of *The Economist* and the global triumph of Pepsi and MTV. Soccer, with its national teams and the furied local passions that fire the supporters of its professional sides, has always been a tool of the sort of vain tribalism liberals have long wished gone from the earth, and had hoped that globalization would banish. The weight of the reporting—Foer spent what must have been eight magnificent months traveling the world and hanging out with the diehards—suggests continuity, rather than disruption, for the survival of old parochial prejudices and antagonisms against all odds.

Foer offers an artfully-told, and often horrifying, rogues' gallery of hooligans and corrupt executives, the ways in which a general global economic and political optimism has failed to dissolve or even diminish the odious traditions and rites of the developing world, or the stubborn elements of the developed nations: the hideous, sometimes murderous clashes between Catholics and Protestants, a pre-Enlightenment tension that finds voice in the rivalry of Celtic (Glasgow's Catholic club) and Rangers (the city's Protestant, royalist side). There is the sad account of the fix-ridden let-down of Brazilian soccer, where corrupt government officials and cynical billionaire have let the game fall into a state of such rot that only a few thousand people show up in Rio de Janeiro and Sao Paolo for matches between even the biggest clubs, leaving the world's most creative and gifted athletes to perform in what is nearly a vacuum. There is Italy (Italy!), where inter-city rivalries are fraught with the most epic of political tensions (in Milan, there are two sides—the socialist team which holds poetry readings and never quite lives up to its potential, and the Berlusconi-owned right-wing side, which always wins), but the referees



Roy Peterson

all favor the biggest clubs and the nation is left with a furious cynicism.

But most memorable are a pair of characters, Zeljko Raznatovic and Alan Garrison. Raznatovic, known as Arkan, was a Serbian thug of the first order, a gangster who in the 1980s turned the most violent, fractious hooligan groups supporting the Belgrade club Red Star into organized and disciplined paramilitary death squads. Foer's book is horrifying, and terrific, when he describes the way in which the Serbian government cultivated these hooligans, and then used them and their casual, sporadic violence in lieu of a regular army. By the tense end of the Balkan wars, these death squads had been credited by the State Department with murdering 2,000 Croats and Muslims, and Arkan, since assassinated, became a national hero and martyr.

Garrison, a middle-aged leader of the hooligan gangs supporting the (once gritty, now tony) West London side Chelsea, is less frightening, though no less compelling —the living, anachronistic legacy of that hooliganism in yuppie climes. Half-Jewish himself, Garrison leads vicious anti-Semitic chants directed at the rival, historically Jewish club Tottenham Hotspur. He made his chops leading hooligans in street knife fights and, in good meritocratic fashion, had this talent recognized by the establishment: He now works for a German company that hires out mercenaries—mostly, he has trained street fighters in the Balkans. He is shopping a screenplay about his exploits. Garrison, hunched and glowering at a profound cultural crossroads, is less shocking than befuddling: Is he the last vestige of a culture about to be swept away, or a marker of the rough side of an essential European working class spirit that is bound to endure?

This book doesn't quite formulate

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a cohesive answer. In a lovely essay on soccer and the Iranian resistance, Foer argues that soccer can be a wedge for Western, aspirational values to crack open even the most oppressive of societies; and, in a chapter on his beloved Barcelona, suggests that in the most cosmopolitan of cultures, there is an admirable sort of "bourgeois nationalism" afoot, impassioned but tolerant. But little of this comes as news, and the conversion of any significant part of the world into little Barcelonas—with similarly rich histories of diversity, wealth, and tolerance—remains an impossible project. The book's optimistic sections fail to resolve a difficult tension within the text: Foer, a deft and nimble thinker, seems to want to be more hopeful than much of his reporting will let him. He wants a theory that leaves room for his intuitive faith in growth and modernization, but his anecdotes and details are mostly illustrate of an ugly anachronism.

The problem, I think, is that soccer doesn't quite explain the world—it illuminates, more precisely, a rough and declining side of it. For all the fierce sectarian tendencies of the diehards, fandom is only one part of their lives. The most violent Celtic and Rangers hooligans, who spend their weekends encumbered by glower and shiv, show up at work Monday morning and calmly sort mail next to one another; they talk happily about Britney Spears and the stock market when they go together to lunch, drinking Coke and eating falafel. Europe, clearly, believes in its working class heritage, finds some spirit there that makes tribalism a little more difficult to eradicate; soccer has become one of the last ways in which that history is announced. But for most, like for the yuppies in the Dupont Circle bar, this tribalism is a fetish, a release valve, a reminder of an ugly past that, in the right light, can sometimes look quaint. The goons write screenplays about their street-fighting days. The revolutionary club hosts poetry readings. The world moves on.

Benjamin Wallace-Wells is an editor of *The Washington Monthly*.

Fed Ache

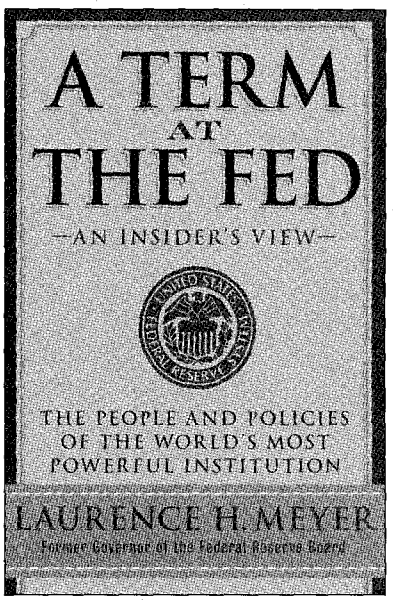
An insider's account of the Greenspan machine.

By James K. Galbraith

Laurence Meyer is a leading advocate of one of the worst ideas in the modern history of economics. It therefore pains me to say this, but he has written a fine account of his five and a half years as a governor of the Federal Reserve Board. This is a book about policy, about the theory that tries to inform policy decisions. And it contains small but instructive insights into the personalities of the key decision-makers, especially the ever-enigmatic Alan Greenspan.

It takes real talent to turn Meyer's experience, which lacks not only sex and scandal but even drama, into a good read. But Meyer achieves it with a clear professor's tone combined with jaunty self-effacement and a willingness to honestly appraise when he was right and when he was wrong. And considering that he was wrong on the central issue most of the time, this was a wise and disarming choice of style.

Meyer's terrible idea is known as the Non-Accelerating Inflation Rate of Unemployment (NAIRU): the notion that there exists a threshold unemployment rate below which inflation increases without limit. The NAIRU was



A Term at the Fed: An Insider's View
By Laurence H. Meyer
Harper Business, $26.95

invented, mainly by Milton Friedman in 1968, in dissent from the prior doctrine of the Phillips Curve, the idea that full employment would entail only a modest rise in the permanent rate of inflation. Then, in the early 1970s, high inflation combined with unemployment to shatter the Phillips Curve. The NAIRU doctrine taught that even trying to push the unemployment rate down with monetary policy was futile; and,

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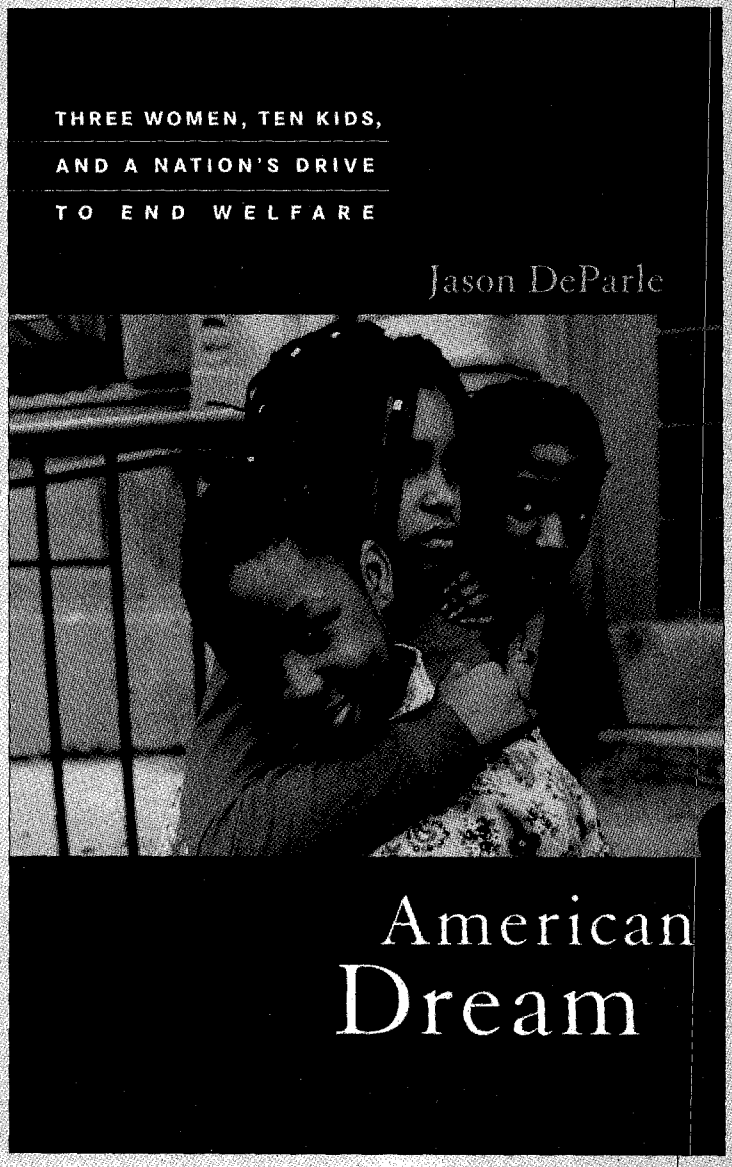

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worse, that if unemployment were to fall for a substantial time below the NAIRU threshold, inflation would not only rise but also accelerate. This would lead over time to hyperinflation—to financial and social disaster.

Economists, therefore, came to see full employment as a poisoned chalice, something to be avoided by the most aggressive and, if necessary, painful measures. This assumption dominated macroeconomics for about 30 years, causing enormous damage. In particular, it prompted the Federal Reserve to raise interest rates and provoke repeated recessions. Millions were left unemployed, their families in stress, and their human potential wasted. It was all entirely unnecessary as we eventually learned.

Forecasters built the NAIRU into their models. In the 1980s, the usual estimate held that inflation would begin to accelerate if unemployment fell below 6 percent (which it rarely did). In his career as a consultant, Meyer had come to rely on such an estimate for predicting the inflation rate. Success at this modest task convinced him that the concept itself would bear the test of time and changing circumstances.

By the late 1990s, circumstances had changed. Unemployment was falling below established estimates of the NAIRU—and eventually to levels rarely observed in peacetime. Yet prices remained strikingly stable. Meyer was on the Federal Reserve Board. What to think? What to do?

Meyer chose to adhere to the NAIRU concept, while conceding ground, bit by bit, on his estimate of where the threshold of hyperinflation might be: a rationale which unfortunately always made him fear the worst. As unemployment fell, he would argue that inflation was just around the corner. Therefore (although in appointing him President Clinton had clearly hoped for better), he found himself generally favoring increases in interest rates—not because inflation was rising, but only because his model told him that it soon had to.

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Eventually Alan Greenspan came to a different view. Though he had warned in 1997 (prematurely, but nevertheless with prescience) about "irrational exuberance" in the stock market, as the millennium approached, he convinced himself that the information-technology boom constituted a "new paradigm," raising productivity growth so substantially as to keep inflation perhaps indefinitely at bay.

Greenspan's vision of a productivity explosion was mystical. There was no evidence for it at the time, and even now the case is far from solidly established. Yet inflation did not rise. And in that context Greenspan's transcendent intuition had practical merit, giving him grounds steadily to delay increases in interest rates.

But then again, it had the side effect of turning Greenspan into the nation's second foremost cheerleader (after Clinton) for the NASDAQ bubble, and thereby precluded serious consideration of policies that might have slowed the bubble without raising interest rates, and thus helped to prolong the period of full-employment prosperity that came into being at that time. In particular, the Fed has the power to order increases in the margin requirement on broker loans, dampening stock market speculation. But such a step would have contradicted the new paradigm view.

In the end, despite two consecutive years of full employment, inflation never accelerated. Instead, the info-tech bubble popped and the technology sector collapsed, precipitating both a slump and the massive job losses of 2001, from which we have not yet recovered. Bye-bye NAIRU. Bye-bye new paradigm.

So, what is the true theory of the economy of our time?

There is another viewpoint. One might call it the Old Keynesian view, held by just a handful of economists in the late 20th century, including Nicholas Kaldor of Cambridge, Robert Eisner of Northwestern, and the present reviewer. We never accepted either the Phillips Curve or the NAIRU. Instead, we believed that full employment was not inherently inflationary; in fact, we saw the greater inflation risk in stagnation itself. In a slowdown, we believe, monopolistic enterprises raise prices in order to try to recover their fixed costs. While on the other hand, full employment production foments ample competition in product markets, high rates of technical change, and declining costs, as businesses seek ways to save on scarce and expensive labor. In other words, productivity growth accelerates because of full employment itself.

My teachers Kaldor and Eisner didn't live to see a full test of this proposition, but I did. They were right. In the late 1990s, full employment proved not to raise the inflation level, indeed sometimes to contract it. Tight, and rationally competitive, labor markets raised living standards and general prosperity, without adverse economic consequences of any kind.

Meyer entertained no wicked

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motives or bad faith. His virtues include a disinterested concern with economic outcomes and a willingness to accept the pragmatic goals of "full employment" and "reasonable price stability"—written into the Federal Reserve Act in 1978 when Old Keynesians could get away with such things. (Regrettably, when Meyer refers to this mandate, he always drops the adjective "reasonable," and one wonders whether he knows that it is there.) His flaw was adherence to theoretical error and to the idea that interest rates are the first (and only) defense against inflation. This put him, the scientific Democratic liberal, on the hawkish side of monetary policy debates, while Greenspan, the mystical Republican conservative, often came down on the side of the doves. And—fortunately for the economy in those years—Greenspan always prevailed.

The pity was that the good times could not be sustained. As the slump-cum-jobless recovery has lengthened, the Old Keynesian view has been vindicated, grimly, on another score. Slowly we now see signs of rising inflation—not inflamed by recovery, which has at best only started but despite the fact that today we have five million fewer jobs, in proportion to our growing population, than we had four years ago. The rising inflation is the consequence of monopoly action in pharmaceuticals, health care, media, and other sectors, and of the rise of energy prices incident to the uncertainties of the oil market and the Iraq war. A rise in interest rates certainly lies ahead—to "fight inflation" as we are already being told.

But this only reveals the incoherence of thought at the Federal Reserve. Today, not even advocates of the NAIRU can favor raising interest rates to fight inflation, for no plausible estimate of the NAIRU could come close to today's 5.6 percent unemployment. One wonders where Larry Meyer stands on this, and it's too bad that he doesn't tell us here. But that is not surprising. His framework, since it precludes predicting rising inflation in advance of improving labor-market conditions, has betrayed him once again.

Meyer convincingly portrays the Fed as a place of thoughtful discussion among intelligent and committed people. Among them, the examples of Janet Yellen, Alice Rivlin, and Donald Kohn—as well as Meyer himself—especially stand out. He is also gracious toward congressional oversight, which did not always treat him kindly. In 1996, this reviewer assisted Sen. Tom Harkin (D-Iowa), who held up Meyer's nomination in order to secure a Senate debate over monetary policy, so that those who disagreed with the NAIRU doctrine might be heard—a debate the Senate could usefully renew today. It is impressive to read Meyer's friendly acknowledgment of Harkin's serious intent and good faith in this matter.

All in all, *A Term at the Fed* makes a term at the Fed seem fun. At least the small circle of monetary policy illuminati, however their policy views may differ, will say the same upon reading this book.

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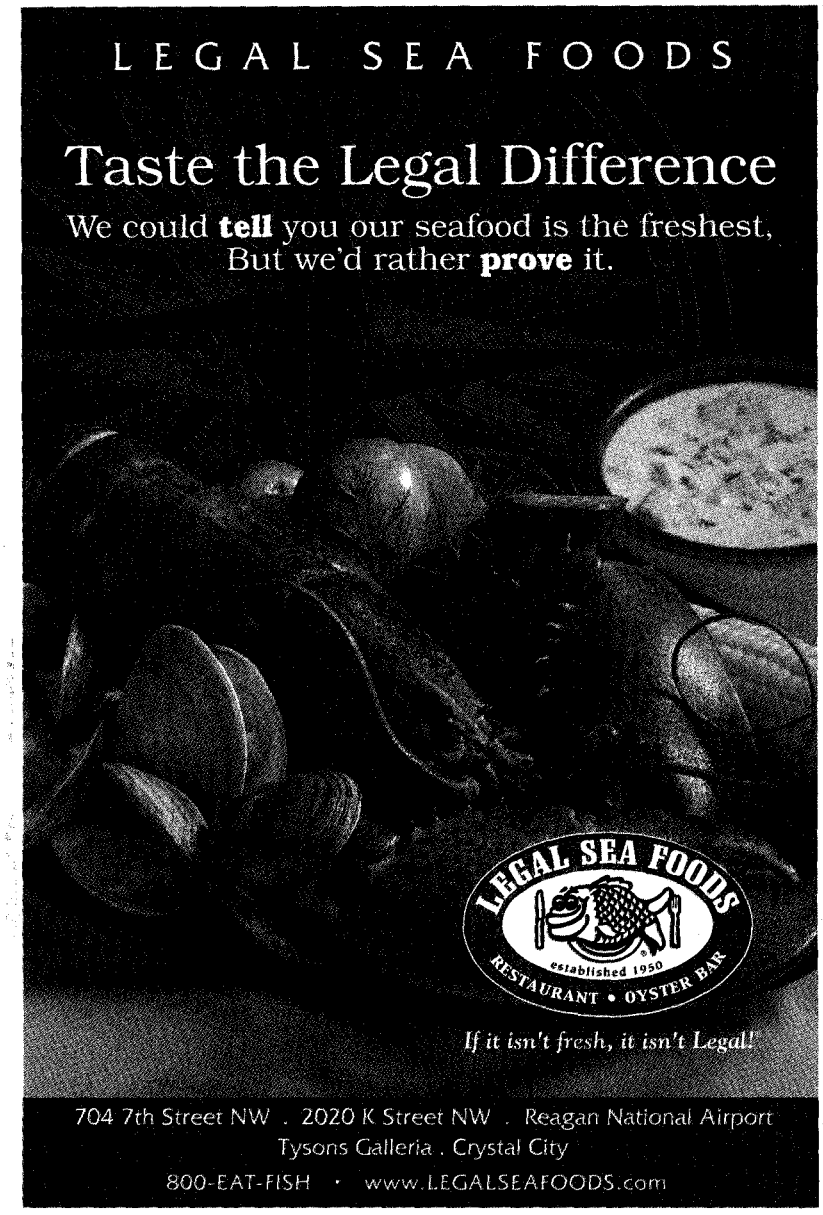

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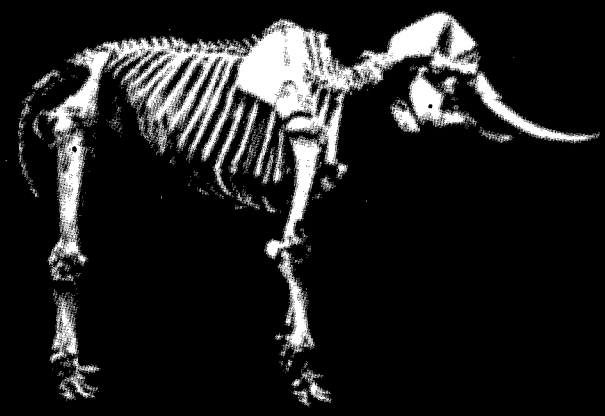

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